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Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—Farm Housing Loans and Grants

Subchapter B—Farm Ownership Loans

PART 304—CONSTRUCTION AND REPAIR

PART 324—CONSTRUCTION AND REPAIR

CONSOLIDATION OF CERTAIN FARM OWNERSHIP AND FARM HOUSING REGULATIONS

In order to consolidate regulations governing construction and repair in the Farm Ownership and Farm Housing Programs and to incorporate current amendments, Subparts A and B of parts 304 and 324, Chapter III, Title 6 of the Code of Federal Regulations are reorganized and revised as set forth herein.

1. Sections 304.1 through 304.24 are revoked.

NOTE: The material contained in §§ 304.1 through 304.24 is amended and consolidated with similar regulations concerning the Farm Ownership Program in §§ 324.1 through 324.24 of this chapter.

2. Subpart A, Part 324, Title 6, Code of Federal Regulations (13 F. R. 9403) is revised as follows:

SUBPART A—FARM OWNERSHIP AND FARM HOUSING PROGRAMS; MINIMUM CONSTRUCTION STANDARDS

Sec.
324.1 General.

324.2 Minimum construction standards.

AUTHORITY: §§ 324.1 and 324.2 issued under sec. 41 (1), 60 Stat. 1066, sec. 510 (g), 63 Stat. 438; 7 U. S. C. 1015 (1), 42 U. S. C. 1480 (g). Statutory provisions interpreted or applied are cited to text in parentheses.

DERIVATION: §§ 324.1 and 324.2 contained in FHA Instruction 424.1.

§ 324.1 *General.* All new buildings and repairs financed under the Farm Ownership and Farm Housing programs will be substantially constructed and in accordance with approved building plans and specifications. The minimum construction standards set forth herein are not intended as a complete guide for planning or constructing a farm dwelling or other farm buildings, but represent the minimum construction requirements necessary to provide decent, safe, and sanitary living conditions and adequate farm buildings. Minimum construction standards are not subject to rigid definitions; therefore, good judgment is re-

quired in interpreting and applying such standards.

(a) *Farm Ownership, Section 502 and Section 503 Farm Housing loans.* All new buildings and all existing buildings to which alterations and repairs are proposed in connection with Farm Ownership, Section 502 Loans, and Section 503 loans should conform to the minimum construction standards set forth herein. Strict compliance with these minimum construction standards will be required in connection with new buildings. When repairs or alterations are proposed to existing buildings, strict compliance with these minimum construction standards will be required for the new construction, but the existing construction will be required to meet these standards only insofar as practicable.

(b) *Section 504 Farm Housing assistance.* Repairs and improvements in connection with Section 504 assistance will be structurally sound but will conform with the minimum construction standards only insofar as necessary to make the dwelling safe and sanitary and to remove hazards to the health of the applicant, his family, or the community and to remove hazards and make farm buildings safe.

(c) *Compliance with local regulations.* All improvements to the property will conform to all applicable laws, ordinances, and regulations which relate to the safety and sanitation of the buildings.

(d) *Changes to meet local conditions.* The standards described herein are essentially minimum. The State Director will issue additional standards giving more specific details regarding the application of minimum construction standards to local conditions.

(e) *Plans and specifications.* Plans and specifications will be accurate and sufficiently complete to describe the intended improvements and the sizes, grade, and quality of materials and quality of workmanship to be incorporated in the improvements. In general, the following information will be required:

(1) *Dwellings—(1) Floor plans (including basement or foundation plan).* Direction, size, and spacing of all framing members will be shown.

(a) *Heating.* Either on separate drawings or appropriate floor plan, the following will be shown: size and layout of heating units, flues, pipes, ducts,

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registers, radiators, and any special arrangements; capacity in B. t. u. per hour of the heating plant; domestic hot water equipment, size, and layout.

(b) *Plumbing fixtures.* Location and size to scale will be shown.

(c) *Electric.* Location of entrance panel, switches, and outlets will be shown and types indicated.

(d) *Equipment.* Location and size to scale will be shown.

(ii) *Exterior elevations.* Openings and sizes, wall finish materials, flashing, finish grades, depth of footings, finish floor and ceiling heights, roof pitch, and heights of chimneys will be shown in exterior elevations of front, rear, and sides.

(iii) *Details.* Details of wall construction above and below grade, including footing, floor and roof construction drawn to scale at not less than $\frac{1}{2}$ " equals 1'-0" will be shown. Design and construction, including any special items such as cabinet work or millwork, together with design and construction of individual water supply or sewage disposal systems, if any, will be indicated. If standard methods of construction or stock details can be used properly, they may be described in the specifications.

(iv) *Specifications.* Specifications will fully describe the quality, kind, and grade of materials and equipment, quality of workmanship, and methods of assembly and installations.

(2) *Farm buildings.*—(i) *Floor plans.* All floor plans and foundation plans will show direction, size, and spacing of all framing members. If heating, plumbing, electrical, and other equipment is specified, it will be shown in the same manner as required for dwellings.

(ii) *Exterior elevations.* Openings and sizes, wall finish materials, finish grades, depth of footings, finish floor and ceiling heights, and roof pitch will be shown in exterior elevations for at least the front and one side.

(iii) *Details.* Details of wall construction above and below grade, including footing, floor, and roof construction drawn to scale at not less than $\frac{1}{2}$ " equals 1'-0" will be shown.

(iv) *Specifications.* Specifications will fully describe the quality, kind, and grade of materials and equipment, quality of workmanship, and methods of assembly and installations.

(f) *Special methods of construction.* New or special methods of construction, not generally considered conventional, will be treated as special cases. After a complete analysis by the Engineer, the plans and specifications with the recommendations of the State Director will be forwarded to the National Office where a review will be made of the case and a ruling issued on the acceptability of the method.

(Secs. 1 (a), 44 (b), 60 Stat. 1072, 1083, secs. 501 (a), 502 (a), 503, 504, 508 (a), 509 (a), 63 Stat. 432, 433, 434, 435, 436; 7 U. S. C. 1001 (a), 1018 (b), 42 U. S. C. 1471 (a), 1472 (a), 1473, 1476 (a), 1479 (a))

§ 324.2 *Minimum construction standards.*—(a) *Site.* For new buildings, a site will be selected which is well drained and not subject to hazards such as the probability of flood or erosion. All new buildings will be suitably located in relation to other buildings. A satisfactory road to the building site will be available.

(1) *Finish grading.* All debris will be removed from the rough graded area before finish grading. Finish grade elevations around buildings will provide continuous slopes away from foundation walls. The finished surface of all areas will be reasonably smooth and even. The height and steepness of slopes will be such as to provide stability and reasonable freedom from erosion. Where necessary, precautionary methods will be taken such as installations of retaining walls, sodding, or planting to stabilize the soil. Areas where lawns and planting are required will have suitable topsoil of adequate depths to support plant growth.

(2) *Landscaping.* Lawns and planting commensurate with the type of dwelling will be arranged to provide an attractive setting for the dwelling.

(3) *Walks and steps.* Suitable outside steps and necessary walks to permit convenient access to the dwelling will be provided.

(b) *Dwelling.* Each dwelling unit will provide suitable and desirable living, sleeping, cooking, and dining accommodations, and adequate storage and sanitary facilities ordinarily considered necessary to a permanent home.

(1) *Room size.* Rooms will be of such size and so planned as to permit the proper spacing of adequate furniture and equipment, appropriate to and essential for the use of the occupants.

(2) *Bathroom.* In new dwellings, the plan will include either a bathroom or space for a future bathroom large enough to include a water closet, lavatory, and tub. The arrangement of fixtures will provide at least a 90 degree door swing and comfortable use of each fixture. When the bathroom is equipped, a septic tank or other approved means for sanitary waste disposal will be provided.

(3) *Closets.* All bedrooms will be provided with at least one clothes closet, minimum size 2 feet deep and having a floor area of at least six square feet. Where practicable, a coat closet near entrance and a linen closet near the bedrooms should be provided.

(4) *Food storage.* Sufficient space to meet the needs of the family will be provided for food storage. Food storage

space will be conveniently located and provided with proper ventilation and protection from freezing and excessive heat.

(5) *Kitchen.* The kitchen will be properly equipped with a sink, cupboards, drawers, and adequate working surfaces. The sink will be connected with a drain which will dispose of the waste in a sanitary manner. Adequate space will be provided for other equipment.

(6) *Heater room and fuel storage.* Where central heating plants are proposed, sufficient space for safety, arrangement, and clearance of all equipment, and the proper storage space for fuel will be provided. Clearances required for safety will be determined by the insulation of the heater and type of wall, floor, and ceiling covering.

(7) *Light and ventilation.* Natural light and ventilation will be provided in all habitable rooms by means of windows and doors. The glazed window area for each habitable room will be at least 10 percent of the floor area. For adequate ventilation, the window area which can be opened will be at least 5 percent of the floor area. The heater room will be provided with sufficient ventilation to assure proper combustion and safety. In the attic and basementless areas, sufficient vents will be installed to prevent conditions conducive to decay and deterioration. Screened vent openings will be installed in basementless foundation walls to assure a total ventilating area equivalent to one-half percent of the enclosed area, plus one-half square foot for each 25 lineal feet of wall enclosing that area. Locate one vent at or near each corner to provide through ventilation wherever possible. Each area to be ventilated will have at least two vents. All window and door openings to the exterior, except to screened porches, will be properly screened:

(8) *Access to attic and basementless areas.* Access will be provided to the attic by means of scuttles or disappearing or permanently installed stairs. Access to basementless areas will be provided by a screened opening in the wall not less than eighteen inches by twenty-four inches.

(9) *Ceiling heights.* Ceiling heights will be not less than 7 feet 4 inches.

(10) *Doors.* All doors will be sufficiently wide to provide for necessary passage of furniture and household equipment. All exterior doors will be not less than 2 feet 8 inches wide. All interior doors which provide access to habitable rooms will be not less than 2 feet 6 inches wide.

(11) *Stairways.* The design for stairways will be such as to afford safety and provide adequate head room and space for passage of furniture, giving particular attention to railings, landings, winders, treads, and risers.

(12) *Structural requirements.* (i) All portions of the structure subjected to exterior exposure will be of such material and be so constructed and protected as to prevent entrance and penetration of moisture and weather.

(ii) Adequate precaution will be taken to protect properly materials and construction from damage by ordinary use

and by decay, corrosion, termites, and other destructive elements.

(iii) Workmanship will be of a quality equal to good standard practice, and materials used will be of such kind and quality as to assure reasonable durability and economy of maintenance.

(iv) All parts of the structure will be properly designed to carry the loads without detrimental effect on the wall finish or roofing material.

(v) Each member will be correctly fitted and connected.

(vi) The structure will be adequately braced against lateral stress.

(vii) Adequate precaution will be taken to protect against fire and other hazards.

(13) *Water supply, plumbing, and sanitation—(i) Domestic water supply.* The domestic water supply must be adequate, convenient, and uncontaminated. The source of water will be situated so as to avoid pollution from barn and outdoor toilets, sewage disposal fields, and other sources. Wells will have concrete slab covers with sanitary type pumps installed.

(ii) *Plumbing.* The installation of all plumbing work will comply with the requirements of the applicable local and state regulations. In the absence of local and state regulations, the requirements contained in "Recommended Minimum Requirements for Plumbing," published by the National Bureau of Standards, will apply.

(iii) *Sanitation.* Privies and other individual sewage disposal systems will meet applicable local and state regulations as to design and location and, in the absence of such regulations, should meet the minimum requirements recommended by the Joint Committee on Rural Sanitation for Individual Sewage Disposal Systems as published by the United States Public Health Service.

(14) *Heating.* In climates where heating is required for winter comfort, each dwelling will be provided with facilities for heating. The type and quality of performance of the equipment will conform to the class of dwelling under consideration. Where central heating systems are proposed, the heating system will be of such capacity that under normal operation it will produce and maintain comfortable temperatures within all habitable rooms under weather conditions customarily to be expected in the area. All equipment and material will conform to standards approved by the Engineer and will be installed by experienced workmen familiar with the installation of the type of heating system to be used.

(15) *Electrical.* Except in areas where electricity is not presently available and it appears unlikely that it will be available in the foreseeable future, all new houses will be wired for electricity when built. Consideration will be given to future as well as to present needs for electrical service on the farm in arranging for the service entrance installations.

(i) *Installations.* The installation of all electrical work will comply with all regulations applying to electrical installations in effect in the locality, or in the absence of such regulations, in accordance with the National Electric Code or

the Specifications for Farmstead Wiring by the Rural Electrification Administration, and the regulations of the power supplier furnishing the service.

(ii) *Circuits.* At least one circuit for each 500 square feet of floor area, minimum, two per dwelling will be installed. Provisions for at least one future circuit will be made.

(iii) *Outlets.* (a) Ceiling light outlets will be installed in kitchens, work rooms, halls, dining rooms, living rooms, bedrooms, and basements, unless omission is acceptable to the Engineer, and other acceptable lighting is provided.

(b) One wall light outlet and convenience outlet will be installed in the bathroom.

(c) An outside light outlet will be installed at each main entrance and porch.

(d) Convenience outlets will be installed as follows: living room with ceiling outlet, minimum of two duplex outlets, in living rooms where omission of ceiling outlet is approved, minimum of three duplex outlets; dining room or dining space, one duplex outlet; kitchens, two duplex outlets; bedrooms, one duplex outlet; for each unit of equipment, such as electric range, a special purpose outlet.

(iv) *Switches.* (a) Each ceiling fixture in habitable rooms, halls, and basements will be controlled by a wall switch.

(b) When ceiling fixtures are not installed, at least one outlet per habitable room will be controlled by a wall switch.

(c) Bathroom fixtures will be controlled by a wall switch not readily accessible from tub or shower.

(d) At least one three-way switch conveniently located on each floor to control at least one light which illuminates the stairs will be provided for a dwelling occupying more than one floor.

(e) Exterior fixtures will be controlled by wall switches inside the entrance doors.

(f) Switches will not be placed behind doors.

(c) *Farm buildings.* Farm buildings will be planned to meet the needs of the farm.

(1) *Structural requirements.* The requirements are the same as set forth in paragraph (b) (12) of this section, except that the exterior walls need not be weather tight for farm buildings that are used for purposes that do not require complete protection from the weather.

(2) *Water supply and plumbing.* Water supply and plumbing for farm buildings will conform to the requirements as set forth in subdivisions (i) and (ii) of paragraph (b) (13) of this section.

(3) *Electrical.* Appropriate consideration will be given to the present and future needs for electrical service. Where electrical installations are made, all electrical work will comply with the standards set forth in paragraph (b) (15) (i) of this section.

(Secs. 1 (a); 44 (b), 60 Stat. 1072, 1080, secs. 506 (a), 509 (a), 63 Stat. 435, 436; 7 U. S. C. 1001 (a), 1018 (b), 42 U. S. C. 1476 (a), 1479 (a))

3. Subpart B, Part 324, Title 6, Code of Federal Regulations (13 F.R. 9404) is revised as follows:

SUBPART B—FARM OWNERSHIP AND FARM HOUSING PROGRAMS; PLANNING FARM DEVELOPMENT

Sec.

324.21 General.

324.22 Policies with respect to planning farm development.

324.23 Responsibilities for planning farm development.

324.24 Salvage or disposition of surplus structures and use or sale of timber, sand, gravel, and stone.

AUTHORITY: §§ 324.21 through 324.24 issued under sec. 41 (1), 60 Stat. 1066, sec. 510 (g), 63 Stat. 438; 7 U. S. C. 1015 (1), 42 U. S. C. 1480 (g). Statutory provisions interpreted or applied are cited to text in parentheses.

DERIVATION: §§ 324.21 through 324.24 contained in FHA Instruction 424.2.

§ 324.21 *General*—(a) *Definitions*. For the purpose of the Farm Ownership and Farm Housing programs, the following terms are defined.

(1) "Farm Development" means construction and land development.

(2) "Land Development" means items such as terracing, clearing, leveling, fencing, draining, developing irrigation systems, developing woodlots and orchards, developing permanent pasture, establishing perennial hay or forage crops, and the application of basic soil amendments and fertilizers in connection with establishing sound systems of farming and carrying out recommended soil and water conservation practices.

(3) "Construction" means the erection, improvement, remodeling, repair, relocation, salvage of, or additions to any building or structure, and the installation, repair of, or additions to, heating systems, electric systems, water systems for dwellings or farm buildings, sewage disposal systems, walks and steps, and landscaping.

(4) "Applicant" means both the husband and wife.

(b) *Authorized substitute for Engineer*. The State Director, with the advice of the Engineer, is authorized to delegate to any qualified and properly trained Farmers Home Administration employee such functions of the Engineer which the employee is qualified to perform. Whenever the term "Engineer" appears in Farm Ownership and Farm Housing regulations, it will include his duly authorized substitute.

(Secs. 1 (a), 44 (b), 60 Stat. 1072, 1069, secs. 501 (a), 506 (a), 509 (a), 63 Stat. 432, 435, 436; 7 U. S. C. 1001 (a), 1018 (b), 42 U. S. C. 1471 (a), 1476 (a), 1479 (a))

§ 324.22 *Policies with respect to planning farm development*. The following policies will be observed in planning farm development.

(a) *General policies applicable to both Farm Ownership and Farm Housing Programs*—(1) *Minimum standards*. All planned farm development will be consistent with the minimum construction standards set forth in §§ 324.1 to 324.2 of this chapter and the minimum land development standards set forth in Subpart A, Part 323, of this chapter.

(2) *Methods of performing farm development*. Farm development work will be planned for performance by the contract method, by the borrower method, or by a combination of both methods.

(i) *By the contract method*. Every effort will be made to perform by contract those farm development items which it is practicable to do by this method. All contract work will be done by a person(s) qualified to perform the services required under the terms of the contract.

(ii) *By the borrower method*. Items of farm development may be performed by or under the direction of the borrower only when he possesses the necessary skill, desire, technical knowledge, and managerial ability to complete the work satisfactorily and when such work will not interfere with his farming operations.

(3) *Salvage or disposition of surplus structures*. Surplus structures will be salvaged or disposed of as provided in § 324.24.

(4) *Use or sale of timber, sand, gravel, and stone*. Materials from the farm, such as timber, sand, gravel, and stone will be used or sold in connection with performing planned farm development as provided in § 324.24.

(b) *Policies applicable to Farm Ownership program*—(1) *Extent of farm development*. When planning farm development with a Farm Ownership applicant, it will be the policy to include as a minimum, all construction and land development necessary to put the farm in livable and operable condition at the start, consistent with the type and extent of farm and home operations reflected on the annual and long-time farm and home plans.

(2) *Completion of farm development*. All farm development planned in connection with each Farm Ownership loan will be scheduled for completion as quickly as practicable and no later than 15 months from the date the borrower occupies the farm as owner, or 15 months from the date of loan closing, whichever date is later, except for certain types of land development as provided in subdivision (1) of this subparagraph.

(i) *Exceptions to 15-month maximum completion date*. An item of land development, or a portion thereof, may be scheduled for completion at a date later than the 15-month maximum limit only when completion of the planned land development within 15 months is contrary to proven practices recommended by Experiment Stations, or other competent authorities. The following are examples of situations under which items of land development may be scheduled for completion at a date later than the 15-month maximum limit.

(a) When construction of terraces is planned and the Experiment Station recommendation provides that permanent grass waterways should be established before terraces are constructed, the land development represented by terrace construction and subsequent treatment of the land to be terraced may be scheduled for completion at a date later than the 15-month maximum limit.

(b) When basic fertilizer is planned for cropland on which a 4-year rotation is to be followed and the Experiment Station recommendation provides that the basic fertilizer should be applied before or at the time of seeding the legume in the rotation, the land development

represented by the basic fertilizer treatment may be scheduled for completion at a date later than the 15-month maximum limit if necessary to comply with the rotation and the recommendation of the Experiment Station.

(3) *Providing funds for farm development planned on Form FHA-643, "Farm Development Plan"*. All funds needed for financing farm development planned on Form FHA-643 will be provided in the Farm Ownership loan, except for any funds the applicant will furnish and deposit in the supervised bank account and funds derived from the sale of property in accordance with § 324.24. Income to be earned will not be considered for financing items of farm development planned on Form FHA-643. It is assumed that income to be earned will be needed to meet living and operating expenses and to get the borrower ahead of schedule in retiring his loan.

(i) *Deferred advances*. In the case of a direct Farm Ownership loan, a deferred advance may be provided for an item of land development, or a portion thereof, which is planned for completion at a date later than the 15-month maximum limit in accordance with subparagraph (2) (i) of this paragraph. In each such case, the County Supervisor will explain to the applicant the advantages and disadvantages of a deferred advance. A deferred advance is not applicable in the case of an insured Farm Ownership loan.

(4) *Repair of existing buildings*. Old dilapidated buildings which are not worth repairing should be razed and any usable materials salvaged. On the other hand, buildings of value and potential usefulness should be repaired. Good judgment is required on the part of all concerned in applying this policy.

(c) *Policies applicable to Farm Housing program*—(1) *Extent of farm development*. When planning farm development with a Farm Housing applicant, it will be the policy to include only those items of construction agreed upon between the applicant and the Farmers Home Administration officials. Land development may be planned only in connection with a Section 503 loan and a Section 504 loan. In the case of a Section 503 loan, land development may be planned to the extent necessary to furnish income sufficient to support decent, safe, and sanitary housing and other farm buildings and to encourage adequate family-type farms. In the case of Section 504 assistance, land development may be planned to the extent necessary to supply income sufficient to eliminate the need for a grant or reduce the amount of any grant.

(2) *Completion of farm development*. All farm development planned in connection with Farm Housing assistance will be scheduled for completion as quickly as practicable and no later than 15 months from the date the loan or grant is closed, except that in the case of a Section 503 loan certain land development items may be scheduled for completion at a date later than the 15-month maximum limit in accordance with paragraph (b) (2) (i) of this section.

(3) *Providing funds for farm development planned on Form FHA-643.* All funds needed for financing farm development planned on Form FHA-643 will be provided in the Farm Housing loan or grant, except for any funds the applicant will furnish and deposit in the supervised bank account and funds derived from the sale of property in accordance with § 324.24.

(Secs. 3 (a), (b), 12 (a), (c), 44 (b), 60 Stat. 1074, 1076, 1069, secs. 502, 503, 504, 506 (a), 63 Stat. 433, 434, 435; 7 U. S. C. 1003 (a), (b), 1005b (a), (c), 1018 (b), 42 U. S. C. 1472, 1473, 1474, 1476 (a))

§ 324.23 *Responsibilities for planning farm development—(a) Preliminary planning.* Preliminary planning of construction and land development will be done by the applicant with the assistance of the County Supervisor before the services of the Engineer are requested. It will involve an initial determination of the items of construction and land development to be performed and the preparation and assembly of related descriptive material supported by preliminary estimates on the cost of labor and material. Preliminary planning of farm development will be coordinated with farm and home planning.

(1) The County Supervisor will advise the applicant of such factual information as he may require to make preliminary decisions regarding the farm development best suited to his plan of farm operation. The County Supervisor also will discuss minimum standards with the applicant and inform him regarding the applicable minimum construction standards and minimum land development standards. Where land development is involved, the County Supervisor will inform the applicant regarding any recommendations for land development contained in the appraiser's report, if available.

(2) The applicant and the County Supervisor will agree upon each item of construction and land development to be performed and consider whether each item will be performed by the contract method or the borrower method.

(3) The County Supervisor will explain to the applicant what descriptive material and preliminary estimates of labor and material costs will be necessary for each item of proposed farm development work, on the basis of the following requirements.

(i) For each item of new construction and each major item of improvement, remodeling, repair, or addition to a building or structure, plans and specifications will be required in sufficient detail to describe the work and to enable the appraiser and the Engineer to perform their respective functions.

(a) In the case of new construction, the County Supervisor may make available to the applicant the Farmers Home Administration booklet of farm building plans and will advise him that detailed working drawings for any plans in the booklet will be furnished to him free of charge. When the applicant chooses to use Farmers Home Administration standard plans, the County Supervisor will immediately request the working drawings from the State Office. If the

applicant chooses to use plans other than Farmers Home Administration standard plans, the County Supervisor will advise him that such plans must contain drawings and information required by minimum standards, that they may be utilized only upon approval by the Farmers Home Administration, and that he must furnish them promptly at his own expense.

(b) In the case of a new dwelling, or major improvement, remodeling, or addition to a dwelling, the County Supervisor may make available to the applicant Form FHA-977, "Dwelling Specifications," and will advise him that specifications for such dwelling work may be submitted on Form FHA-977 or in some other acceptable manner.

(ii) For each minor item of improvement, remodeling, repair, or addition to a building or structure, a detailed written description supplemented by sketches, when necessary, will be required. Whenever the County Supervisor determines that it is not practicable to require the applicant to furnish such descriptive material for minor items of farm development work, he will request the Engineer to prepare this material in connection with final planning.

(iii) For each item of construction and land development, a preliminary estimate of the cost of labor and materials should be required when necessary to determine the approximate cost of the work.

(4) The County Supervisor will review all the required descriptive material and preliminary estimates furnished by the applicant and any drawings obtained from the State Office in connection with Farmers Home Administration standard plans. When he is reasonably sure that the proposed farm development will be acceptable and it appears likely that a loan can be made, he will request the services of the Engineer.

(b) *Final planning.* Final planning of construction and land development will be done jointly by the applicant, the County Supervisor, and the Engineer. It will involve reviewing preliminary plans and reaching final agreement with respect to each item of construction and land development to be performed, including determinations as to when and by what method each item of work will be accomplished, and the preparation of Form FHA-643.

(1) The County Supervisor will arrange and direct all meetings in connection with final planning.

(2) The Engineer will visit the farm with the applicant and the County Supervisor.

(3) The Engineer will review the plans and specifications assembled by the applicant and the County Supervisor and will offer suggestions, if pertinent, as to how plans and specifications might be altered in order to better serve the needs of the borrower. When requested by the County Supervisor, in cases of minor items of improvement, alteration, repair, or addition to a building or structure, the Engineer will prepare any necessary specifications and sketches. The Engineer will make sure that all the proposed construction work complies with minimum construction standards.

(4) The County Supervisor will be responsible for furnishing the Engineer with information as to the nature and extent of the proposed land development and also will be responsible for making sure that the proposed land development work complies with minimum land development standards. If the land development planned and agreed upon by the applicant and the County Supervisor is appreciably less than that recommended by the appraiser, the County Supervisor will return the original copy of the appraisal report, either Form FHA-596, "Earning Capacity Report," or Form FHA-440, "Farm Housing Appraisal Report," to the appraiser for his review, together with a copy of Form FHA-643 (completed but unsigned). Form FHA-14A, "Long-time Farm and Home Plan," also will be sent to the appraiser with the above forms in the case of a Farm Ownership loan or a Section 503 Farm Housing loan. The appraiser will record, date, and initial his recommendations regarding the land development planned by the applicant and the County Supervisor in the comments section of the appraisal report and will return all the forms to the County Supervisor.

(5) The Engineer will review the proposed method of performing each item of construction and land development to make sure that the best methods have been selected by the applicant and the County Supervisor. In making this determination, the Engineer will consider the possibilities of performing the work by contract, as well as the applicant's ability to perform the work. The County Supervisor will advise the Engineer as to the number of workdays the applicant will have available for performing farm development work without interfering with planned farm operations.

(6) The County Supervisor and the applicant, in consultation with the Engineer, will agree upon a schedule for completing each item of construction and land development and will estimate a completion date for each item.

(7) The Engineer will estimate the cash cost of each item of construction and land development, taking into consideration the method of performing the work and the use of salvage and other available materials and labor to be furnished by the applicant. These cost estimates are entirely the responsibility of the Engineer. Preliminary estimates submitted by the applicant will be accepted only when the Engineer has checked them and agrees that the work can be done for this amount. In instances where it appears that the total estimated cash cost will exceed the amount of funds that can be made available for farm development, the Engineer, County Supervisor, and the applicant will again review the plans for farm development for the purpose of determining whether or not the needs of the applicant might be met satisfactorily with revised or alternate plans. In such cases, the County Supervisor also will consider the possibility of having the applicant obtain a reduction in the option price of any land to be purchased or in the amount of any existing lien against the farm.

(8) When the applicant, the County Supervisor, and the Engineer have reached final agreement with respect to each item of planned construction and land development, the Engineer will prepare Form FHA-643. Form FHA-643 will be completed promptly so that it will be available for consideration by the County Committee. No alterations or deletions will be made on Form FHA-643 without the approval of the Engineer.

(Secs. 2 (a), 3 (a), (b), 12 (a), (c), 44 (b), 60 Stat. 1073, 1074, 1076, 1069, secs. 502, 503, 504, 506 (a), 509 (a), 63 Stat. 433, 434, 435, 436; 7 U. S. C. 1002 (a), 1003 (a), (b), 1005b (a), (c), 1018 (b), 42 U. S. C. 1472, 1473, 1474, 1476 (a), 1479 (a)).

§ 324.24 *Salvage or disposition of surplus structures and use or sale of timber, sand, gravel, and stone—(a) Policy—(1) Salvage or disposition of surplus structures.* The applicant, the County Supervisor, and the Engineer will agree upon what structures, if any, should be salvaged or disposed of as surplus. Any such structures will be salvaged or disposed of as promptly as practicable (after obtaining the consent of any prior mortgagee in the case of a Farm Housing loan) and prior to the planned completion date for farm development. When surplus structures are sold, all of the net proceeds will be applied as an extra payment on the loan except, as provided in paragraph (b) of this section, all or part of such proceeds may be used for costs of performing planned farm development. (The term "net proceeds" means the amount remaining after payment of any costs incidental to the sales transaction which are paid from the proceeds.) If the net proceeds derived from the sale of surplus structures are to be applied as an extra payment on the loan, the information regarding such a sale will be recorded on Form FHA-643.

(2) *Use or sale of timber, sand, gravel, and stone.* When practicable, materials from the farm, such as timber, sand, gravel, and stone, will be used in performing planned farm development. In the case of a Farm Housing loan, the consent of any prior mortgagee to such use will be obtained. When it is not practicable so to use such materials, they may be sold and all or part of the net proceeds used to pay costs of performing planned farm development, as provided in paragraph (b) of this section.

(b) *Requirements governing sale of timber, sand, gravel, stone, and surplus structures and use of net proceeds to pay costs of planned farm development.* In connection with processing an initial Farm Ownership or Farm Housing loan, plans may be made for the applicant to sell, after loan closing, timber, sand, gravel, stone, and surplus structures and to use all or part of the net proceeds to accomplish planned farm development, and such proceeds may be so used subject to all of the following requirements:

(i) Net proceeds derived from the sale of such security property will be used to accomplish only such items of farm development as properly can be accomplished with the use of loan funds. For

example, in the case of a Farm Ownership loan, the proposed farm development must be necessary to create an efficient family-type farm-management unit, while in the case of a Farm Housing loan, use of such proceeds for land development is authorized only if the borrower is eligible for section 503 or section 504 assistance to accomplish such development.

(2) On the basis of actual offers, a reasonably accurate determination will be made in connection with the preparation of Form FHA-643 of the amount of net proceeds which can be realized from the proposed sale.

(3) The Engineer must determine that, in his opinion, the amount of net proceeds estimated to be received from the sale is adequate compensation.

(4) Prior to approval of the loan, the borrower must agree in writing to conclude the sale promptly after the loan is closed, to have the net proceeds deposited in his supervised bank account, and that if the net proceeds exceed the amount planned for use in performing farm development, the excess will be applied as an extra payment on the loan as soon as possible after loan closing.

(5) In the case of a Farm Housing loan, any prior mortgagee must approve the proposed sale and use of net proceeds.

(6) The County Supervisor, the County Committee, and the State Field Representative must recommend the proposed sale and use of a specified amount of the net proceeds for particular items of proposed farm development, with any proceeds not so used being applied as an extra payment on the loan.

(7) The State Director must approve the proposed transaction in writing, which approval will be evidence that he has determined that:

(i) The proposed consideration for the sale is adequate.

(ii) The proceeds derived from the sale are proposed for use to accomplish only such items of farm development as could be accomplished with loan funds.

(8) The following deviations from usual Farm Ownership and Farm Housing loan processing procedures will be observed in connection with sales of timber, sand, gravel, stone, and surplus structures if all or part of the proceeds are proposed for use to accomplish planned farm development:

(i) The information concerning the proposed sale and the borrower's agreement as to use of net proceeds will be recorded in the loan docket, on Form FHA-643 and Form FHA-696, "Application for Partial Release, Subordination, or Consent."

(ii) The County Supervisor will prepare Form FHA-696, in the usual manner covering the structures or materials to be sold, except that Form FHA-696 will refer to security instruments proposed to be held or insured by the Farmers Home Administration. The County Supervisor will submit the original along with the loan docket for the recommendation of the State Field Representative and the consideration of the State Director.

(iii) In the case of a Farm Housing loan, the loan docket will contain a copy of the written consent of any prior mort-

gagee to the proposed sale of structures or materials and the planned use of net proceeds.

(iv) The County Supervisor will make sure that the County Committee is informed thoroughly regarding the proposed sale of structures or materials and the planned use of net proceeds as reflected on Form FHA-643 and Form FHA-696 before they complete Form FHA-491, "County Committee Certification," or Form FHA-439, "County Committee Recommendations." The County Committee's action will include a statement as to the amount of net proceeds planned for use in farm development.

(v) The State Field Representative will not approve the loan until after the State Director has approved Form FHA-696. However, the State Field Representative will indicate his recommendations with respect to the proposed sale of materials or surplus structures and use of net proceeds in the space provided on the reverse of Form FHA-696.

(vi) The State Director will review the information pertaining to the proposed sale of materials or surplus structures and the planned use of net proceeds. If he approves of the proposed transaction he will sign Form FHA-696 as his written approval, and advise the State Field Representative. Upon approval of the loan, the State Field Representative will forward Form FHA-696 to the County Supervisor, together with the loan approval letter, except in the case of an insured Farm Ownership loan.

(vii) In the case of an insured Farm Ownership loan, Form FHA-359, "Borrower-Insurer-Lender Triple Agreement," will not be sent to the lender for signature until Form FHA-696 has been signed by the State Director. At this time, the State Director will prepare a letter to the lender explaining the proposed sale of materials or surplus structures and planned use of net proceeds and advise that the Government has approved the proposed transaction subject to the closing of the loan. The letter will also indicate that signing of the "Commitment to Loan" on Form FHA-359 will constitute the lender's approval of the proposed transaction.

(viii) If the purchaser of the materials or surplus structures requests a formal release, the County Supervisor will return the original approved Form FHA-696 to the State Director and request the preparation of an appropriate release. The release will be prepared and processed in the regular manner as provided in § 372.4 of this chapter.

(Secs. 1 (a), 2 (a), (b), (d), 3 (a), (b), 12 (a), (c), 44 (b), 60 Stat. 1072, 1073, 1074, 1076, 1069, secs. 501 (a), 502, 503, 504, 508 (b), 510 (b), 63 Stat. 432, 433, 434, 435, 436, 437; 7 U. S. C. 1001 (a), 1002 (a), (b), (d), 1003 (a), (b), 1005b (a), (c), 1018 (b), 42 U. S. C. 1471 (a), 1472, 1473, 1474, 1478 (b), 1480 (b))

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

DECEMBER 26, 1951.

Approved: January 10, 1952.

C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-486; Filed, Jan. 14, 1952;
8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 950—PEACHES GROWN IN UTAH

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR THE 1951-52 FISCAL YEAR

On December 12, 1951, notice of proposed rule making was published in the *FEDERAL REGISTER* (16 F. R. 12515) regarding the actual expenses necessarily incurred by the Administrative Committee (established under Marketing Agreement No. 91, and Order No. 50 (7 CFR Part 950) regulating the handling of peaches grown in Utah) during the 1951-52 fiscal year. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). Interested persons were given an opportunity to submit written data, views, or arguments, relative to the proposal.

On September 19, 1951 (16 F. R. 9675) the Secretary of Agriculture approved the expenses and fixed the rate of assessment for the 1951-52 fiscal year under Marketing Agreement No. 91 and Order No. 50 (7 CFR Part 950). The approved expenses for the 1951-52 fiscal year amounted to 3,050.00. However, such sum was exceeded, by the Administrative Committee, by \$664.17. The estimate of expenses submitted to the Secretary by the Administrative Committee was based on the premise that the expenses of operating the Utah peach marketing program during said fiscal year would be reduced by the Utah State Peach Board of Control utilizing the services of the administrative personnel employed by the Administrative Committee. On September 6, 1951, the Board of Control rescinded regulations issued under the Utah State Order and the marketing program during the remainder of the season was operated entirely by the Administrative Committee. This action was not contemplated at the time the aforesaid estimate of expenses was submitted by the Administrative Committee.

This action is being undertaken pursuant to authority contained in section 50.40 of Order No. 50.

It is hereby further found that good cause exists for not postponing the approval of the actual expenses incurred by the Administrative Committee during the 1951-52 fiscal year until 30 days after publication in the *FEDERAL REGISTER* (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) the 1951-52 peach shipping season has ended; (2) the Administrative Committee has on hand sufficient funds to meet all obligations and no increase in the assessment rate is necessary; and (3) the outstanding obligations of the Administrative Committee should be liquidated at the earliest possible date in order to permit the committee to close its books for the 1951-52 fiscal year.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, it is hereby found and determined that the necessary expenses incurred by the Ad-

ministrative Committee during the fiscal year beginning on May 1, 1951, and ending on April 30, 1952, both dates inclusive, amounted to \$3,714.17.

It is, therefore, ordered, That the provisions in paragraph (a) of § 950.201 *Expenses and rate of assessment for the 1951-52 fiscal year* (16 F. R. 9675) be, and are hereby, amended to read as follows:

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal year beginning May 1, 1951, will amount to \$3,714.17.

Notwithstanding the approval of the aforesaid expenses, none of such funds may be used to pay any wage or salary that is inconsistent with the Defense Production Act of 1950, as amended, Executive Order No. 10161, or any supplementary order, directive, or regulation pursuant thereto.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 10th day of January 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-537; Filed, Jan. 14, 1952;
8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 82—UPHOLSTERY TEXTILE INDUSTRY

CROSS REFERENCE: For revision of this part and redesignation as Part 205, see F. R. Doc. 52-573, *infra*.

[File No. 21-429]

PART 205—UPHOLSTERY AND DRAPERY FABRICS INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of January 15, 1952.

Statement by the Commission. Trade practice rules for the upholstery and drapery fabrics industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure. Such

rules constitute a revision and extension of, and supersede, the trade practice rules for the upholstery textile industry as promulgated by the Commission on November 16, 1932.

The rules are directed to the maintenance of free and fair competition in the industry and to the elimination and prevention of unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses. They are to be applied to such end and to the exclusion of any acts or practices which suppress competition, otherwise restrain trade, or which are detrimental to the best interests of the industry, the trade, and the buying public.

The industry for which these rules are established is comprised of the persons, firms, corporations, and organizations engaged in the production (including the dyeing and finishing or refinishing of goods of foreign origin), sale, or distribution of upholstery and drapery fabrics composed of various materials and combinations thereof, including, but not limited to, wool, cotton, silk, and artificial fibers.

Products of this industry are marketed in the various channels of trade. A substantial amount thereof is sold either directly by the producers, or through jobbers, to manufacturers of furniture, and of automobiles and other vehicles. The buying public is reached largely through the medium of department stores, upholstery shops, and decorating firms. The total annual volume of business of this industry is approximately \$175,000,000.

Proceedings to revise and extend the trade practice rules for the upholstery textile industry as previously promulgated by the Commission were instituted upon application from members of the industry. A draft of proposed revised and extended rules was published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, suggestions, objections, or amendments respecting the rules, and to be heard in the premises. Pursuant to such notice public hearings were held in New York City and in Washington, D. C., and all matters there presented, or otherwise received in the proceeding, were duly considered by the Commission.

Following such hearings, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved and received, respectively, the Group I and Group II rules hereinafter set forth.

Such rules become operative sixty (60) days from the date of promulgation.

These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition, that the rules are to be applied.

GROUP I

- Sec.
 205.1 Misrepresentation (general).
 205.2 Misbranding.
 205.3 False invoicing.
 205.4 Deception as to origin.
 205.5 Identification and disclosure of fiber or material content.
 205.6 Disclosure of presence of used fiber or material.
 205.7 Substitution of products.
 205.8 Inducing breach of contract.
 205.9 Commercial bribery.
 205.10 Imitation of trade-marks, etc.
 205.11 Defamation of competitors or false disparagement of their products.
 205.12 Fictitious price lists.
 205.13 Use of lottery schemes.
 205.14 Misrepresentation as to character of business.
 205.15 Prohibited discrimination.
 205.16 Aiding or abetting use of unfair trade practices.

GROUP II

- 205.101 Repudiation of contracts.
 205.102 Use of written sales contracts.
 205.103 Use of samples.
 205.104 Arbitration of disputes.

AUTHORITY: §§ 205.1 to 205.104, inclusive, issued under Sec. 6, 38 Stat. 722; 15 U. S. C. 46, Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

GROUP I

General statement. The unfair trade practices embraced in the §§ 205.1 to 205.16 are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 205.1 Misrepresentation (general). It is an unfair trade practice to make or publish, or cause to be made or published, directly or indirectly, any false, misleading, or deceptive statement or representation, by way of advertisement or otherwise, with respect to the grade, quality, freedom from defects or imperfections, quantity, use, size, material content, thread count, origin, shrinkage properties, proof against or resistance to wrinkling, creasing or crushing, colorfastness, washability, resistance to or immunity from moth, fire or flame damage, production, manufacture, or distribution of any upholstery or drapery fabrics, or to misrepresent any upholstery or drapery fabric in any other material respect. [Rule 1]

§ 205.2 Misbranding. The labeling, marking, or branding of upholstery and drapery fabrics in any manner which is false, misleading, or deceptive in respect to the grade, quality, freedom from defects or imperfections, quantity, use, size, material content, thread count, origin, shrinkage properties, proof against or resistance to wrinkling, creasing or crushing, colorfastness, washability, resistance to or immunity from moth, fire or flame damage, production, manufacture, or distribution of such products, or in any other material respect is an unfair trade practice. [Rule 2]

§ 205.3 False invoicing. Withholding from or inserting in invoices any statement or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices, with the capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 3]

§ 205.4 Deception as to origin. With respect to any upholstery and drapery fabrics of the following types: Fabrics which have been woven or fabricated in a foreign country and imported in the grey or other unfinished state and dyed or finished in the United States; and fabrics which have been imported in the finished state and dyed, redyed, or refinished in the United States; it is an unfair trade practice:

(a) To offer for sale, sell, or distribute any such fabrics under marks, stamps, brands, labels, or representations which have the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public into the belief (1) that such fabrics were woven or fabricated in the United States, when such is not the fact; or (2) that they were dyed, finished, redyed, or refinished elsewhere than in the United States, when such is not true; or

(b) To offer for sale, sell, or distribute any such fabrics without the same being marked, stamped, branded, or labeled so as to indicate clearly and nondeceptively (1) the country of origin of the fabrics, and (2) that such fabrics were woven or fabricated in said country and were dyed or finished or redyed or refinished in the United States, as the case may be, where the failure, refusal, or omission to so mark, stamp, brand, or label such fabrics has the capacity and tendency or effect of thereby promoting, abetting, or effectuating the marketing of such products under conditions which are misleading or deceptive to purchasers, prospective purchasers, or the consuming public.

NOTE: Nothing in this section shall be construed as relieving any member of the industry or other party of the necessity of complying with requirements of the customs laws or regulations, or other applicable provisions of law or regulations, relating to the marking of imported articles.

[Rule 4]

§ 205.5 Identification and disclosure of fiber or material content. (a) In the sale, offering for sale, or distribution of upholstery and drapery fabrics, it is an unfair trade practice to misrepresent or deceptively conceal the identity of the fiber or material content of any such product.

(b) All upholstery or drapery fabrics which are composed wholly or in part of rayon, acetate, silk, or linen shall be identified as to their fiber content in accordance with the requirements of the trade practice rules heretofore promulgated by the Commission for the rayon and acetate textile industry, the silk industry, and the linen industry,¹ except

¹A copy of the above-mentioned trade practice rules may be obtained by any in-

that, due to the provisions of section 14 of the Wool Products Labeling Act of 1939, labeling identification of any wool, reprocessed wool, or reused wool² contained in any such fabrics is not to be considered as required. In the case of upholstery and drapery fabrics which contain a kind of fiber or fibers required to be identified by label under said trade practice rules, and which also contain fibers of wool, reprocessed wool, or reused wool,² the label identification of the fiber content thereof shall be made in a manner which does not have the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the proportion of the identified fiber or fibers contained in such products. Examples of proper fiber identification by label in the case of an upholstery or drapery fabric composed of 60 percent rayon fibers and 40 percent wool² fibers are as follows:

"CONTAINS RAYON"

OR

"60% RAYON"

OR

"RAYON AND WOOL"

OR

"60% RAYON AND 40% WOOL"

NOTE A: When an upholstery or drapery fabric containing wool, reprocessed wool, or reused wool² is sold, offered for sale, or distributed by an industry member with knowledge of facts indicating its probable use in a product or products other than upholsteries or draperies, such fabric shall be labeled as to its fiber content in accordance with the requirements of the Wool Products Labeling Act of 1939.

NOTE B: Nothing in this section is intended to limit or restrict the requirements of § 205.6 relating to disclosure of the fact that an upholstery or drapery fabric is composed of used material, whether such used material be used wool fiber or other used material.

[Rule 5]

§ 205.6 Disclosure of presence of used fiber or material. It is an unfair trade practice to fail or to refuse to make full

industry member making request therefor to the Commission.

²As here used, the meanings of the terms "wool," "reprocessed wool," and "reused wool," are to be understood as according with those set forth for such terms in subsections (b), (c) and (d) of section 2 of the Wool Products Labeling Act of 1939, said subsections (b), (c), and (d) reading as follows:

(b) The term "wool" means the fiber from the fleece of the sheep or lamb or hair of the Angora or Cashmere goat (and may include the so-called specialty fibers from the hair of the camel, alpaca, llama, and vicuña) which has never been reclaimed from any woven or felted wool product.

(c) The term "reprocessed wool" means the resulting fiber when wool has been woven or felted into a wool product which, without ever having been utilized in any way by the ultimate consumer, subsequently has been made into a fibrous state.

(d) The term "reused wool" means the resulting fiber when wool or reprocessed wool has been spun, woven, knitted, or felted into a wool product which, after having been used in any way by the ultimate consumer, subsequently has been made into a fibrous state.

and nondeceptive disclosure of the fact that any upholstery or drapery fabric offered for sale or sold or distributed is composed of used fiber or material, in whole or in part, where such failure or refusal to disclose has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers. [Rule 6]

§ 205.7 *Substitution of products.* The practice of shipping or delivering products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without the consent of the purchasers to such substitutions and with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 7]

§ 205.8 *Inducing breach of contract.* Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers, or interfering with or obstructing the performance of any such contractual duties or services, under any circumstances having the capacity and tendency or effect of substantially injuring or lessening present or potential competition, is an unfair trade practice. Nothing in this section is intended to imply that it is improper for any industry member to solicit the business of a customer of a competing industry member; nor is the rule to be construed as in anywise authorizing any agreement, understanding, or common course of action by two or more industry members to not solicit business from the customers of either of them, or from customers of any other industry member. [Rule 8]

§ 205.9 *Commercial bribery.* It is an unfair trade practice for a member of the industry directly or indirectly to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 9]

§ 205.10 *Imitation of trade-marks, etc.* The practice of imitating, or causing to be imitated, or directly or indirectly promoting or aiding the imitation of, the trade-marks, trade names, other exclusively owned symbols or marks of identification of competitors, or the exclusively owned designs or patterns of competitors which have not been directly, or by operation of law, dedicated to the public, where such imitation has the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consum-

ing public, is an unfair trade practice. [Rule 10]

§ 205.11 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality, or manufacture of the products of competitors or of their business methods, selling prices, values, credit terms, policies, services, or conditions of employment, is an unfair trade practice. [Rule 11]

§ 205.12 *Fictitious price lists.* The publishing or circulating by any member of the industry of false or misleading price quotations, price lists, terms or conditions of sale, or reports as to production or sales, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 12]

§ 205.13 *Use of lottery schemes.* The offering or giving of prizes, premiums, or gifts in connection with the sale of industry products, or as an inducement thereto, by any method which involves lottery or scheme of chance, is an unfair trade practice. [Rule 13]

§ 202.14 *Misrepresentation as to character of business.* It is an unfair trade practice for any member of the industry to represent, directly or indirectly, through use of the word "mill" or "mills," or the word "manufacturer," or any other word, term, or representation of similar import or meaning, in his corporate or trade name, or otherwise, that he is a manufacturer of upholstery and drapery fabrics, or that he is the owner, or operator of a mill, factory, or producing company manufacturing upholstery and drapery fabrics, when such is not the fact, or in any other manner to misrepresent the character, extent, or type of his business. [Rule 14]

§ 202.15 *Prohibited discrimination—*
(a) *Prohibited discriminatory prices, or discounts, rebates, refunds, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce,^a in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any discount, rebate, refund, credit, freight or other transportation cost or any percentage thereof, or other form of price differential, where such discount, rebate, refund, credit, freight or other transportation cost or any percentage thereof, or other form of price differential, effects

a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,^a and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,^a or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing contained in this part shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing contained in this part shall prevent persons engaged in selling goods, wares, or merchandise in commerce^a from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this part shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,^a in the course of such commerce, to pay or grant or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein, where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce^a to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

^a As used throughout § 205.15, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce³ to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce,³ in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Prohibited discriminatory return and exchange privileges.* It is an unfair trade practice for any member of the industry to grant or contract to grant privileges of merchandise return, refund, exchange, or other special privileges, upon terms which, under the provisions of this section, effect any unlawful discrimination in price, services or facilities in favor of one purchaser against another purchaser or purchasers.

(g) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

NOTE: In complaint proceedings charging discrimination in price or services for facilities furnished, and upon proof having been made of such discrimination, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged; and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing contained in this part shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor (see section 2 (b) Clayton Act).

[Rule 15]

§ 205.16 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in §§ 205.1 to 205.16. [Rule 16]

GROUP II

General Statement. Compliance with trade practice provisions embraced in §§ 205.101 to 205.104 is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary co-operation exercised in accordance with existing law. Nonobservance of the provisions of §§ 205.101 to 205.104 does not

per se constitute violation of law. Where, however, the practice of not complying with any such regulations in §§ 205.101 to 205.104 is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of violation of §§ 205.1 to 205.16.

§ 205.101 *Repudiation of contracts.* Lawful contracts are business obligations which should be performed in letter and in spirit. The repudiation of contracts by sellers on a rising market or by buyers on a declining market is condemned by the industry. [Rule A]

§ 205.102 *Use of written sales contracts.* (a) In order to avoid ambiguity and misunderstanding between buyers and sellers, all purchases and sales of products of the industry exceeding one piece, regardless of the total value thereof, should be made by written contract, signed by the buyer and seller. Such written contract should set forth the actual terms and conditions of the sale involved.

(b) Wherever practicable, the delivery of all merchandise of any quantity should be made against a written receipt signed by the purchaser, or a qualified agent or employee of the purchaser.

(c) The provisions in this part shall not be construed as sanctioning or approving any agreement among competitors or any planned common course of action among competitors to agree upon or to fix, specify, or determine the prices, discounts, terms, or conditions of sale to be covered in any sales contract or transaction, but these shall be open to individual negotiation between the seller and buyer, subject to the requirements of §§ 205.1 to 205.16 and applicable provisions of law. [Rule B]

§ 205.103 *Use of samples.* (a) The industry disapproves the giving of samples without charge in greater quantity than is actually necessary to acquaint purchasers or prospective purchasers with the grade or quality of the product offered for sale. However, the furnishing of any samples shall not be carried out in a manner involving discrimination prohibited by the provisions of § 205.15.

(b) The industry interpretation of "actually necessary" quantities as above is: "A reference sample of each item not exceeding one 27" x 27" square or one full repeat of pattern, with one color line not to exceed 6" x 9"." [Rule C]

§ 205.104 *Arbitration of disputes.* The industry approves and recommends the use of commercial arbitration for the speedy and efficient disposition of disputes arising out of the sale, processing, and distribution of the industry's fabrics. [Rule D]

Promulgated by the Federal Trade Commission January 15, 1952.

[SEAL]

D. C. DANIEL,
Secretary.

Issued: January 10, 1952.

[F. R. Doc. 52-573; Filed, Jan. 14, 1952; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 34]

PART 1606—GENERAL ADMINISTRATION

FORWARDING MAIL ADDRESSED TO A REGISTRANT

The Selective Service Regulations are hereby amended by adding the following new section to Part 1606, *General Administration*, immediately following § 1606.40:

§ 1606.41 *Forwarding mail addressed to a registrant.* First class mail addressed to a registrant received by any local board or State Director of Selective Service shall be forwarded to the registrant at his last known address whenever such action is possible. Whenever the address of the registrant is not known, such mail shall be marked accordingly and returned to the post office. (Sec. 10, 62 Stat. 618, as amended; 50 U. S. C. App. Sup. 460. E. O. 8373, July 20, 1948, 13 F. R. 4177; 3 CFR, 1948 Supp.)

The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

[SEAL]

LEWIS B. HEESHEY,
Director of Selective Service.

JANUARY 10, 1952.

[F. R. Doc. 52-501; Filed, Jan. 14, 1952; 8:49 a. m.]

Chapter XVII—Federal Civil Defense Administration

PART 1704—FINANCIAL ASSISTANCE FROM RECONSTRUCTION FINANCE CORPORATION FOR CIVIL DEFENSE PURPOSES

APPLICATION AND PROCEDURE

1. Section 1704.3 is amended to read as follows:

§ 1704.3 *Application.* Application shall be made on forms provided by the RFC. Such forms may be obtained from any RFC Loan Agency.

2. The first sentence of § 1704.5 (a) is amended to read as follows:

§ 1704.5 *Procedure.* (a) Four signed copies of the application should be filed with the RFC Loan Agency serving the territory in which the applicant is located. The RFC Loan Agency will forward two copies to the appropriate FCDA Regional Office.

(Sec. 401, 64 Stat. 1254; 50 U. S. C. App. Sup. 2253)

This amendment shall be effective January 12, 1952.

[SEAL]

MILLARD CALDWELL,
Administrator,
Federal Civil Defense Administration.

[F. R. Doc. 52-453; Filed, Jan. 14, 1952; 8:47 a. m.]

See footnote on p. 418.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amdt. 40]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 40 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to the Manufacturer's General Ceiling Price Regulation 22 makes several changes in the provisions of section 1 and section 32 of that regulation.

First, this amendment gives manufacturers the option of establishing ceiling prices under Ceiling Price Regulation 22 for sales at retail. Previously they have been required to establish ceiling prices for such sales under the General Ceiling Price Regulation even though ceiling prices for their sales to all other classes of purchasers were determined under Ceiling Price Regulation 22. The major purpose of this change is to permit manufacturers to adjust their ceiling prices for sales at retail in the same manner as they adjust their ceiling prices for sales to other classes of purchasers under section 3 of Ceiling Price Regulation 22. Similarly this change will permit manufacturers to establish ceiling prices for new commodities to all classes of purchasers in one procedure under one regulation, Ceiling Price Regulation 22, instead of under two separate regulations, Ceiling Price Regulation 22 and the General Ceiling Price Regulation. This is not intended as the permanent solution of the manufacturer-retailer problem but is designed to enable those manufacturers who want to use CPR 22 for retail sales to do so. This change will be of particular assistance to manufacturers who make only a few sales at retail and who will now be able to price such sales by reference to their base period differentials.

Second, this amendment gives manufacturers who have not completed their first full fiscal year of business, and who expect the gross sales of commodities which they manufacture to be less than \$250,000 for the first full fiscal year, the option to remain under the General Ceiling Price Regulation. This election terminates, however, in the event that the gross sales of such commodities reach \$250,000 before the end of the first fiscal year. Formerly a manufacturer was allowed to take advantage of this option only if he had actually completed a full fiscal year of business prior to the effective date of CPR 22. The purpose of this change, is of course, to extend to new small manufacturers the same option which was previously granted to established small manufacturers.

Third, this amendment makes clear that all commodities dealt in between

July 1, 1949 and June 24, 1950 may be used as comparison commodities in new goods pricing under section 32 of CPR 22. Previous to this amendment, section 32 contained language which might be construed to require that the comparison commodity selected be one having a ceiling price fixed under either sections 3 or 30 of this regulation. Because of this language some uncertainty was indicated by manufacturers as to whether commodities having ceiling prices fixed under the supplementary regulations to CPR 22 or the general overriding regulations could be used as comparison commodities. Certain of the supplementary regulations to CPR 22 and certain of the general overriding regulations provide for the determination of ceiling prices for base period commodities, which prices are appropriate for use as ceiling prices of comparison commodities under section 32. This amendment merely makes clear the original intention that such prices may be so used.

Fourth, this amendment requires that reports filed under section 32 concerning the determination of ceiling prices for all new commodities except food products shall hereafter be submitted on OPS Public Form No. 128, and that certain additional information be submitted with that form under certain circumstances.

Previously, all of the detail contained in OPS Public Form No. 128 has been required to be submitted in reports drafted in any form chosen by the reporting firm. OPS experience in the processing of these reports to date has revealed that a significant proportion of the submissions were lacking in some of the detail necessary to permit adequate review. Furthermore, their processing has proved to be exceedingly difficult and time consuming, requiring, in many instances, correspondence with the manufacturer to request a completed or corrected report. Accordingly, OPS Public Form No. 128 has been designed to facilitate both the preparation of the report by the manufacturer and the review of the report by OPS.

Generally speaking, section 32 (c) of CPR 22 requires that a manufacturer choose as the comparison commodity the most nearly comparable commodity he dealt in during the base period. Since no data have been made available to OPS concerning particular manufacturers' base period commodities within a particular category or the specifications of these commodities, it has been impossible to determine whether the comparison commodity shown by a manufacturer in his filing has been correctly chosen according to the requirements of section 32 (c). To remedy this situation, this amendment adds the requirement that a list of the base period prices of all commodities in the same category as the new commodity being priced, together with their detailed specifications (with illustrations, if available) be submitted coincident with the first filing of OPS Public Form No. 128 in any category.

It has been felt that OPS Public Form No. 128 will not be appropriate or convenient for the reporting of section 32

ceiling prices for food products. Therefore the previously existing reporting requirements have not been altered for food products.

In the judgment of the Director of Price Stabilization the provisions of this amendment to Ceiling Price Regulation 22 are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

Because of the nature of this amendment it has not been deemed necessary to confer with industry representatives before issuing it.

AMENDATORY PROVISIONS

Ceiling Price Regulation 22 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. Sellers and sales covered by this regulation. (a) This regulation covers you if you are a manufacturer located in the United States (not including territories or possessions) or the District of Columbia. It applies to any sale of any commodity as to which you are the manufacturer, except sales of commodities listed in Appendix A, and sales at retail. In addition, however, you may elect to use this regulation for sales at retail. If you so elect, you must use it for all of your sales at retail of commodities subject to this regulation, and you may not later alter your election.

(b) (1) If your gross sales of commodities, of which you are the manufacturer, for your last complete fiscal year prior to the effective date of this regulation were less than \$250,000, you may elect not to use this regulation, but if you so elect, you may not use this regulation for any commodities of your manufacture.

(2) If on the effective date of this regulation you have not completed your first fiscal year of business, you may elect not to use this regulation, provided that on the basis of your experience you expect your gross sales of commodities of which you are the manufacturer to be less than \$250,000 for your first fiscal year. If you so elect not to use this regulation, you may not use it for any of your commodities. In the event gross sales of such commodities reach \$250,000 before the end of your first fiscal year, you thereupon become subject to this regulation and your election terminates.

2. Section 32 (a) is amended to read as follows:

(a) This section deals with a commodity which you did not sell or offer for sale between July 1, 1949 and June 24, 1950 and which you cannot price under section 30 of this regulation, but which falls within a "category" in which you dealt during your base period.

3. Section 32 (d) (1) is amended to read as follows:

(1) Determine your ceiling price for sale of the comparison commodity to your largest buying class of purchaser if you are now manufacturing it, or what it would be if you are no longer manufacturing it, under this regulation or under any supplementary regulation to

this regulation, or under any general overriding regulation, whichever is applicable.

4. Section 32 (g) is amended to read as follows:

(g) *Information required in report—*
(1) *For all commodities except food products.* For all commodities except food products, your report shall be made upon OPS Public Form No. 128 filled out in strict compliance with the instructions thereon. If the new commodity being priced is the first commodity in its category for which an OPS Public Form No. 128 has been submitted, you must also submit the base period prices and detailed specifications, with illustrations, when available, of all the commodities in that category which you dealt in during the base period. These prices and specifications may be submitted in the form of existing printed material or in newly prepared documents.

(2) *For food products.* Your report for food products should state the name and address of your company; a description of the commodity being priced; the comparison commodity and an explanation why you have selected the comparison commodity as such; a description of the category in which the commodity being priced and the comparison commodity fall; your ceiling price to the largest buying class of purchaser of your comparison commodity, or if you are not now manufacturing it what this ceiling price would be; a detailed breakdown of the current unit direct cost of the comparison commodity, or what it would be; the gross margin, and the percentage mark-up over current unit direct cost for the comparison commodity; a detailed breakdown of the current unit direct cost of the commodity being priced; the ceiling price of the commodity being priced; delivery, discount, guaranty and servicing terms and conditions and differentials in effect for sales to all classes of purchasers with respect to the comparison commodity.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154)

Effective date. This amendment will become effective on January 19, 1952.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

JANUARY 14, 1952.

[F. R. Doc. 52-637; Filed, Jan. 14, 1952;
4:00 p. m.]

[Ceiling Price Regulation 22, Amdt. 41]

CPR 22—MANUFACTURERS' GENERAL
CEILING PRICE REGULATION

RECOMPUTATION AND REPORT OF ADJUST-
MENTS FOR USE OF CONVERSION STEEL

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 41 to

Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment, similar in form and substance to an amendment to Ceiling Price Regulation 30 issued simultaneously herewith, clarifies the time periods for the making of periodic recomputations and filing the report of the increase in cost to a manufacturer resulting from his need to use a higher proportion of "conversion steel" than he used pre-Korea. Further, in the same manner as that amendment to Ceiling Price Regulation 30, this amendment clarifies the time when the manufacturer's adjusted prices may be put into effect. Accordingly, the Statement of Considerations contained in the amendment to Ceiling Price Regulation 30 issued simultaneously herewith is equally applicable to this amendment.

AMENDATORY PROVISIONS

Section 44 of Ceiling Price Regulation 22 is amended in the following respects:

1. The introductory paragraph of section 44 is amended to read as follows:

Sec. 44. *Use of "conversion steel" in calculating the "materials cost adjustment".* This section permits you to reflect in your "materials cost adjustment" increases in cost occasioned by your use of more "conversion steel" (see definition in section 47) than you used in your base period. If you elect to use this section, you must compute this increase in cost in the manner set forth in paragraph (a) of this section. You must file the report required by paragraph (b) of this section before you make the adjustment permitted by this section and reflect it in your ceiling prices. You must also recompute this increase every three months as provided in paragraph (c) of this section. Your adjusted ceiling prices shall remain in effect until you make your next recomputation of the increase and are authorized or required to readjust your ceiling prices as provided by paragraph (c) of this section. The Director of Price Stabilization may disapprove, at any time, by order, your materials cost adjustment to the extent that it reflects an increase in your cost due to your increased use of conversion steel, if he determines that this increase is not based on lawful costs, is caused by your sale of steel, or has not been calculated properly under this section. This disapproval will not be retroactive as to any deliveries made before the date of issuance of the order of disapproval.

2. Paragraph (a) (14) is amended to read as follows:

(14) Determine the tonnage of all steel (whether conversion steel or not) which you used during the period July 1 through September 30, 1951. If you use this section for the first time after December 31, 1951, substitute for the quarter "July 1 through September 30, 1951", where it appears in this section, the calendar quarter most recently completed. A "calendar quarter" is any three month period beginning on the first day of January, April, July or October.

3. In paragraph (a), subparagraphs (15), (17), (18) and (20), and in paragraph (b), subparagraphs (2) and (3), the phrase "April 1 through June 30, 1951", wherever it appears, is changed to read: "July 1 through September 30, 1951".

4. Paragraph (c) is amended to read as follows:

(c) *Recomputation.* If you elect to use this section, you must recompute your increased costs, due to the use of conversion steel. This recomputation shall be made during the first calendar month of every calendar quarter following the first computation you make. The report required by paragraph (b) of this section shall be filed by not later than the last day of each of these months in which the recomputation is required. You shall make the recomputation in accordance with the method set forth in paragraph (a) of this section, except that you shall use your experience during the quarter-year period immediately preceding the month in which the recomputation is required, instead of using your experience during the quarter-year period July 1 through September 30, 1951. If the recomputation results in a greater increase in your ceiling prices than that previously determined by you under this section, you may use this greater increase. If the recomputation results in a lesser increase in your ceiling prices than that previously determined by you under this section, you must use this lesser increase beginning not later than the first day of the calendar month immediately following the month during which the recomputation is required.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154)

Effective date. This amendment shall become effective January 19, 1952.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

JANUARY 14, 1952.

[F. R. Doc. 52-638; Filed, Jan. 14, 1952;
4:00 p. m.]

[Ceiling Price Regulation 22, Supplementary
Regulation 20, Corr.]

CPR 22—MANUFACTURERS' GENERAL
CEILING PRICE REGULATION

SR 20—CEILING PRICES FOR SHELLS
PEANUTS

CORRECTIONS

Due to clerical error, Supplementary Regulation 20 to Ceiling Price Regulation 22, issued December 14, 1951 (16 F. R. 12693), contains several misprints which are corrected as follows:

1. In the second sentence of the ninth paragraph of the Statement of Considerations, the second word appearing in the parenthetical phrase is corrected from "is" to "it."

2. In section 4 (c) (2) the word "these" is corrected to "those."

RULES AND REGULATIONS

3. Paragraph (d) (3) of the Example appearing at the end of section 4 is corrected by substituting the figure "\$0.0242" for ".0242."

4. The following corrections are made in the Example appearing at the end of section 5:

a. In paragraph (a), the figure "136" is corrected to "138."

b. Paragraph (b) (1) is corrected by inserting a line directly under the figure "\$0.25."

c. In paragraph (b) (2), the word "out" (which is the first word appearing in that paragraph) is omitted. Furthermore, the last figure appearing in the third column of figures in that paragraph is corrected from ".282,497.50" to "\$282,497.50."

d. Paragraph (c) (1) is corrected by inserting a line directly under the figure "\$0.45."

e. Subparagraph (c) (3) and paragraph (d) are corrected in their entirety to read as follows:

(3) Net cost of burlap bags as of later "prescribed date"----- \$5.40
 + Net cost of peanuts as of later "prescribed date"----- 258.25

"Materials cost as of the later prescribed date"----- \$263.65

(d) (You may compute your final adjustment either under subparagraph (1) or subparagraph (2) of this paragraph).

(1) (i) "Materials cost as of the later prescribed date"----- \$263.65
 - "Materials cost as of the earlier prescribed date"----- 248.65

\$15.00

"Materials cost adjustment" for No. 1 and higher grade shelled and unshelled peanuts:

\$15.00 ÷ 1,198 pounds (see (a)) = \$0.0125 per pound

(ii) "Labor cost adjustment factor", determined under sec. 8 (e) or 9 (b) of CPR 22; 2.01%

(iii)

Average pounds yield of No. 1 and higher grades shelled and unshelled peanuts per ton of 1949 crop farmers' stock Virginia peanuts during 1949 season	Highest base period price per pound (cents)	"Base period grade sales value"
Jumbos.....	162	21
Fancies.....	394	19
Extra large.....	138	29
Mediums.....	284	26
No. 1.....	220	19½
Total yield.....	1,198	

"Total base period sales value" per ton of Virginia peanuts (the sum of your "base period grade sales value" figures) = \$265.64.

(iv) "Total base period sales value" (determined under (iii))----- \$265.64

× "Labor cost adjustment factor" of 2.01%----- .0201

\$5.34

"Labor cost adjustment" for No. 1 and higher grade shelled and unshelled peanuts: \$5.34 ÷ 1,198 pounds (see 5 (a)) = \$0.0045 per pound

(v) "Materials cost adjustment"----- \$0.0125
 + "Labor cost adjustment"----- .0045

\$0.0170

"Total cost adjustment" (rounded to nearest ¼¢ pursuant to section 25 of CPR 22) = \$0.0175

(This "total cost adjustment" is to be added to your highest base period prices per pound of No. 1 and higher grades of Virginia shelled peanuts to arrive at your selling prices for each grade.)

(2) (i) "Materials cost as of the later prescribed date"----- \$263.65
 - "Materials cost as of the earlier prescribed date"----- 248.65

"Materials cost adjustment"----- \$15.00

(ii)

Dollar-and-cents "materials cost adjustment"	"Total base period sales value" (figured in subpar. (d) (i) (iii) of sec. 5)	"Materials cost adjustment factor"
\$15	\$265.64	0.0565

(iii) "Labor cost adjustment factor" (determined under section 8 (e) or 9 (b) of CPR 22): 2.01%

(iv) "Materials cost adjustment factor" (see (ii))----- 0.0565
 "Labor cost adjustment factor" of 2.01%----- .0201
 Plus 1.0000----- 1.0000

"Total cost adjustment factor"----- 1.0766

Application of "total cost adjustment factor" to determine ceiling prices for Virginia shelled peanuts:

Grades of Virginia shelled peanuts	Highest base period price per pound (cents)	"Total cost adjustment factor"	Ceiling price per pound (rounded to nearest ¼ cent pursuant to section 25 of CPR 22)
Extra large-----	29	1.0766	\$0.3125
Medium-----	26	1.0766	.23
No. 1-----	19½	1.0766	.21

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

MICHAEL V. DISALLE,
 Director of Price Stabilization.

JANUARY 14, 1952.

[F. R. Doc. 52-633; Filed, Jan. 14, 1952; 11:42 a. m.]

[Ceiling Price Regulation 30, Amdt. 29]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

RECOMPUTATION AND REPORT OF ADJUSTMENTS FOR USE OF CONVERSION STEEL

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 29 to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 15 to CPR 30 revised section 42 of that regulation to provide the method for periodically recomputing the increase in cost to a manufacturer resulting from his need to use a higher proportion of "conversion steel" than he used pre-Korea. It is designed to permit reflection of the experience in calendar quarters which would correspond to fiscal quarters most commonly used by industry.

This amendment clarifies the time periods for making the recomputation and filing the report thereof, and the time when the adjusted prices may be put into effect. Section 42 previously stated that the recomputation be made on October 1, 1951 and every three months thereafter. This appeared to deprive a manufacturer of sufficient time to receive and review his complete records of his experience with respect to conversion steel in the quarter ended just the day before. Uncertainty was also expressed as to whether the previously calculated adjusted ceiling price continued in effect past the prescribed date for recomputation and during the period when the manufacturer was recomputing and reporting his recomputation.

This amendment substitutes the whole month following an experience quarter, in place of the single date, during which a manufacturer may make his recomputation and report. In the meantime, his ceiling price as adjusted by his preceding computation remains in effect until he is authorized or required to reflect any modification of the increase based on his varying use of conversion steel. Where the increase is found upon recomputation to be less than in the preceding quarter, the change must be reflected by the beginning of the month following the month in which the manufacturer is required to recompute.

The wide application of this amendment and the need for speedy clarification of the provisions of section 42 has made it impossible to consult formally with representatives of all industries affected. However, in the preparation of this amendment, consultation was held with individual industry representatives and consideration was given to their recommendations.

AMENDATORY PROVISIONS

Section 42 of Ceiling Price Regulation 30 is amended in the following respects:

1. The introductory paragraph of section 42 is amended to read as follows:

SEC. 42. Use of "conversion steel" in calculating the "materials cost adjustment". This section permits you to reflect in your "materials cost adjustment" increases in cost occasioned by your use of more "conversion steel" (see definition in section 45 (z)) than you used in your base period. If you elect to use this section, you must compute this increase in cost in the manner set forth in paragraph (a) of this section. You must file the report required by paragraph (b) of this section before you make the adjustment permitted by this section and reflect it in your ceiling prices. You must

also recompute this increase every three months as provided in paragraph (c) of this section. Your adjusted ceiling prices shall remain in effect until you make your next recomputation of the increase and are authorized or required to readjust your ceiling prices as provided by paragraph (c) of this section. The Director of Price Stabilization may disapprove, at any time, by order, your materials cost adjustment to the extent that it reflects an increase in your cost due to your increased use of conversion steel, if he determines that this increase is not based on lawful costs, is caused by your sale of steel, or has not been calculated properly under this section. This disapproval will not be retroactive as to any deliveries made before the date of issuance of the order of disapproval.

2. Paragraph (a) (14) is amended to read as follows:

(14) Determine the tonnage of all steel (whether conversion steel or not) which you used during the period July 1 through September 30, 1951. If you use this section for the first time after December 31, 1951, substitute for the quarter "July 1 through September 30, 1951", where it appears in this section, the calendar quarter most recently completed. A "calendar quarter" is any three month period beginning on the first day of January, April, July or October.

3. In paragraph (a), subparagraphs (15), (17), (18) and (20), and in paragraph (b), subparagraphs (2) and (3), the phrase "April 1 through June 30, 1951", wherever it appears, is changed to read: "July 1 through September 30, 1951".

4. Paragraph (c) is amended to read as follows:

(c) *Recomputation.* If you elect to use this section, you must recompute your increased costs, due to the use of conversion steel. This recomputation shall be made during the first calendar month of every calendar quarter following the first computation you make. The report required by paragraph (b) of this section shall be filed by not later than the last day of each of these months in which the recomputation is required. You shall make the recomputation in accordance with the method set forth in paragraph (a) of this section, except that you shall use your experience during the quarter-year period immediately preceding the month in which the recomputation is required, instead of using your experience during the quarter-year period July 1 through September 30, 1951. If the recomputation results in a greater increase in your ceiling prices than that previously determined by you under this section, you may use this greater increase. If the recomputation results in a lesser increase in your ceiling prices than that previously determined by you under this section, you must use this lesser increase beginning not later than the first day of the calendar month immediately following the month during which the recomputation is required.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective January 19, 1952.

Note: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

JANUARY 14, 1952.

[F. R. Doc. 52-639; Filed, Jan. 14, 1952;
4:00 p. m.]

[Ceiling Price Regulation 115]

CPR 115—PAPER SHIPPING SACKS

Pursuant to the Defense Production Act of 1950, as amended, Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong., Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 115 is hereby issued.

STATEMENT OF CONSIDERATIONS

Paper shipping sacks are produced for the packaging and transporting of agricultural and food products, chemicals, building materials, minerals and a wide variety of miscellaneous materials. They were developed initially to replace the cotton osnaburg sack used in the cement industry for packaging 94 pounds of cement. More recently they have, to a substantial extent, replaced both cotton and burlap sacks in many major industrial fields including lime, limestone, sugar, flour and fertilizer.

Paper shipping sacks are manufactured basically from shipping sack kraft paper, from rope paper, or from a combination rope and kraft paper, and generally are used for the packaging and transporting of industrial products in sacks of 25 pounds or more capacity. Smaller sacks or pockets, which are defined as shipping sacks, are related in technical character to the larger sacks and in most cases are combined for shipment in units of five or more in one large container shipping sack. Up to one hundred pounds of material may be packaged in paper shipping sacks which may be constructed of one wall, two walls, or multiple walls of three, four, five or six plies of heavy duty shipping sack kraft paper either all natural kraft and rope papers or treated with coatings or laminants, or by impregnation. These sacks are machine-made and used primarily, though not exclusively, for industrial packaging. Each sack is actually "tailored" to the type and specification required for packaging a particular commodity and the needs of an individual user. The single wall type primarily consists of a rope content paper for consumer packages of flour, meal or feed, while sacks of two to six walls are made of shipping sack kraft in various combinations of paper basis weight and qualities. The complete specification will depend on the type of sack, the commodity to be packaged and its ultimate destination. General specifications for paper shipping sacks have been spelled out in both Rule 40 of the "Consolidated Freight Classification"

and in the "Federal Specification UU-S-48b, 20 June 1950" which is now the master federal specification for all manufacturers of paper shipping sacks.

Need for this regulation. Under conditions of national emergency, the demand for these heavy duty paper shipping sacks increases sharply, and currently this pressure has been heightened by the decrease in the available supply of certain textile bagging materials and other strategic container materials for steel and fibre drums.

In 1950 the total tonnage of all types of paper converted into shipping sacks was approximately 790,000 tons as compared to 584,000 tons in 1949. The year 1951 will show still further increases as 671,000 tons have been consumed during the first three quarters of the year.

Despite the increased production of shipping sacks in 1951 the industry has had difficulty in meeting demand. Further increases in production have been prevented by the short supply of shipping sack kraft paper. This has resulted in a very tight supply of shipping sacks which exerted a marked pressure toward increased prices. These inflationary pressures, coupled with the importance of the industry in the defense effort, produce a need for this regulation in order to stabilize the price structure.

Description of the industry. The major part of the industry consists of 20 manufacturers producing nearly all types of shipping sacks and accounting for 81 percent of the total production. These manufacturers are classified as follows:

1. Four fully integrated manufacturers who produce nearly all of the kraft papers converted in their plants. Based on tonnage of paper consumed, this group covers 46 percent of the industry production.

2. Sixteen non-integrated manufacturers who purchase nearly all of the kraft papers converted in their plants and represent 35 percent of the industry production.

The remaining 19 percent of industry production consists of approximately 30 small converters who tend to specialize in certain types of sacks for specific industrial consumers.

Manufacturers of paper shipping sacks are relatively few because of the substantial investment necessary for plant and equipment, and the high cost of maintaining a working inventory. Compared to most converted paper products the capital costs for a shipping sack plant producing even one type of sack are very high. Several units are necessary to produce a finished shipping sack while production of a complete shipping sack line requires literally dozens of different types of machine equipment. At the same time the "tailor made" nature of the product and the many sizes, weights and kinds of paper involved require a substantial inventory of paper if the manufacturer is to compete for any wide range of customer business.

Marketing of paper shipping sacks involves a distinct class of buyer and definite channels of distribution. The vast majority of sales are in carload quantities to industrial buyers who use the sacks for packing and transporting their

products. Nearly all sales of shipping sacks are made direct to the buyer without any jobber, wholesaler or other type of middleman.

Nature of this regulation. Historically, all of the manufacturers have priced their products by price lists or by price formulas, which are published price sheets or means of calculation by which prices may be determined. The formula method is not a material plus labor plus margin method but is simply each manufacturer's published historical formula of specific factors by which a price for any one of thousands of possible specifications may be calculated. Quantity differentials, printing differentials, and extra charges for special features also are published by each manufacturer and normally are additions to their basic price list or price formula calculations. Prices for the majority of shipping sacks are determined by formulas, but for the small size sacks or pockets and those larger sacks that tend toward standard specification, manufacturers have published price lists. This regulation provides for the use of both price lists and price formulas to establish ceiling prices.

This regulation preserves the formula approach because it simplifies the procedure with regard to prices of sacks on specifications previously produced, as well as nearly all new specifications. The maintenance of normal industry practices is preferred since it assures a continuity of method which assists in price stabilization.

The principles of this regulation reflect the experience gained during World War II when prices for paper shipping sacks were controlled by OPA Maximum Price Regulation No. 480 which worked satisfactorily through establishment of maximum prices based on manufacturers' filed price lists and price formulas in effect for a specified base period.

Level of prices under this regulation. Prices for paper shipping sacks rose in line with the Bureau of Labor Statistics Index of Prices for Manufactured Goods until the third quarter of 1948 and remained at this level until the second quarter of 1949 when they declined as a result of new facilities coming into production creating an increase in supply and a decrease in demand as buyers withdrew from the market in anticipation of lower prices. Prices reached a low in December 1949 and remained at those levels until shortly before the start of hostilities in Korea. Subsequent price increases have tended to restore the levels which existed in the last half of 1948 and first quarter of 1949. Current prices and General Ceiling Price Regulation prices are approximately at those levels despite increases in cost. The absorption of cost increases by the manufacturers is indicated by GCPR prices being equal to or below the levels arrived at by calculations under Ceiling Price Regulation 22 for both the integrated and non-integrated mills.

This regulation establishes ceiling prices for paper shipping sacks by freezing each manufacturer's prices at the level of prices established by his price lists and formulas in effect during the period of January 25, 1951 to February

24, 1951, inclusive, with an adjustment factor to cover costs on 40 pound basis weight shipping sack kraft resulting from the differential established for it under CPR 88—Unbleached Kraft Paper.

The result will be ceiling prices approximately at the level of the GCPR period of December 19, 1950 to January 25, 1951, inclusive; reflecting also the current level of prices but well below those that would result from an over-all application of the provisions of CPR 22.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization has given due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950, as amended; to prices prevailing during the period May 24, 1950 through June 24, 1950; to prices prevailing January 25, 1951 through February 24, 1951, and just before the issuance of this regulation, and to relevant factors of general applicability.

In formulating this regulation, the Director has consulted with representatives of the industry, and has given consideration to their recommendations. Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.

1. What this regulation does.
2. Applicability.
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19. Interpretations.
20. Definitions.

AUTHORITY: Sections 1 through 20 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. What this regulation does.

- (a) This regulation fixes ceiling prices for

sales by manufacturers of the bulk of the tonnage of new paper shipping sacks, at the prices established by your price lists or formulas in effect during the period January 25, 1951 through February 24, 1951, hereafter called the base period. Section 4 provides for the addition of a differential on 40# basis weight shipping sack kraft paper covered by CPR 88—Unbleached Kraft Paper. Section 5 provides a pricing method for new manufacturers. If you cannot price under either section 4 or section 5, you may establish a ceiling price under section 6. The ceiling prices of this regulation supersede those established by any prior regulation with respect to sales and deliveries by manufacturers of paper shipping sacks.

(b) The provisions of this regulation shall not apply to sales or deliveries of paper shipping sacks if, prior to the effective date, such paper shipping sacks have been received by a carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

SEC. 2. Applicability. The provisions of this regulation are applicable within the 48 States of the United States, the District of Columbia, and the territories and possessions of the United States.

SEC. 3. Prohibitions. You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically (but not in limitation of the above), you shall not, regardless of any contract or other obligation, sell, and no person in the course of trade or business shall buy from you at a price higher than the ceiling price established by this regulation, and you shall keep, make, and preserve true and accurate records and reports, required by this regulation. If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

SEC. 4. Ceiling prices. You shall determine your ceiling prices for paper shipping sacks by the method described in paragraph (a) of this section, or, if such is not applicable, then by the method of paragraph (b) of this section.

(a) **Base period price lists.** If you priced your paper shipping sacks during the base period by reference to price lists, your ceiling prices shall be the prices established in such price lists. These price lists must have been published or circulated to the trade or to your salesmen during the base period and duplicate copies shall be filed with the Office of Price Stabilization as required by section 14. However, for any specifications involving the use of 40# basis weight shipping sack kraft you may add for each wall or sheet of such 40# paper an amount equal to forty-five hundredths of one percent (0.45%) of your base list price and "round down" the resulting price as defined in section 20 before additions for printing differentials, quantity differentials or extra charges are applied. Duplicate copies of price lists reflecting such revised ceiling prices shall be filed as required by section 14.

(b) *Base period price formulas.* For any specifications for which you cannot determine your ceiling price under paragraph (a) of this section, your ceiling prices shall be determined by your formulas in effect during the base period and filed as required by section 14. Furthermore, for any specification involving the use of 40# basis weight shipping sack kraft you may add to your formula calculation a basis weight factor value of carload .009 and less-than-carload .010 for each wall or sheet of such 40# paper. Duplicate copies of price formulas involving use of the 40# basis weight factor shall be filed as required by section 14.

SEC. 5. Ceiling prices for new manufacturers. (a) If you are a manufacturer who started producing paper shipping sacks after January 25, 1951, and before the effective date of this regulation, you may continue to use your present ceiling prices for your commodities for 40 days after the effective date of this regulation. However, you must file your ceiling prices, price lists or proposed price formulas in accordance with section 14. Such ceiling prices, price lists or price formulas may include the adjustment for 40# basis weight shipping sack kraft paper permitted manufacturers in section 4 (a) and (b), respectively. You may sell at your ceiling prices established by your filings 10 days after filing, subject to nonretroactive disapproval or revision at any later time by the Director.

(b) If you are a manufacturer who starts production of paper shipping sacks after the effective date of this regulation, you shall file your proposed ceiling prices, price lists or formulas which may reflect the adjustment for 40# basis weight shipping sack kraft permitted in section 4 (a) and (b), respectively, and also your proposed trade practices with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C. You may not sell paper shipping sacks until the Director, in writing, approves your ceiling prices, price lists or formulas. However, if the Director does not approve or revise your price lists and formulas within 15 days from the date of returned receipt of filing, your price lists and formulas may be deemed to be approved subject to nonretroactive disapproval or revision at any later time by the Director.

SEC. 6. Ceiling prices for specifications which cannot be priced under sections 4 or 5. If you cannot determine your ceiling prices for specifications under sections 4 or 5, you shall determine your ceiling prices as follows:

(a) If the specification is one for which other manufacturers have established a ceiling price under this regulation, you may establish as your proposed ceiling price for that specification a price which does not exceed the ceiling price of your most closely competitive manufacturer of shipping sacks selling the same specification to the same class of purchaser. This competitor's ceiling price may reflect, if applicable, the appropriate adjustment for 40# basis weight shipping sack kraft paper in section 4. Your ceiling price for the new specification, when determined, shall be

filed with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C., giving the following information:

(1) The name and address of your company;

(2) A full description of the specification and your proposed ceiling price;

(3) The name, address and type of business of your most closely competitive manufacturer as defined in section 20 (a) (10).

You may not sell the specification until 15 days after filing your report; thereafter you may sell the specification at your proposed ceiling price unless and until notified by the Director that your proposed ceiling price has been disapproved or revised or that more information is required. In the event that more information is required you may not sell until 15 days after filing the additional information.

(b) If you cannot determine your ceiling price for a specification under paragraph (a) of this section, you shall file your proposed ceiling price by applying the following method:

(1) Select your most comparable specification, as defined in section 20, for which your ceiling price has been established under section 4 or 5 of this regulation.

(2) Divide your ceiling price for such most comparable specification by your current direct cost for such most comparable specification.

(3) Multiply the percentage so obtained by your current direct cost of the specification being priced.

(4) Your ceiling price for the new specification, so determined, shall be filed with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C., giving the following information:

(i) A description of the new specification;

(ii) A description of the most comparable specification selected by you, including your ceiling price for that specification;

(iii) A breakdown of your current direct cost per thousand sacks for both the new specification and the comparison specification; and

(iv) Your proposed ceiling price for the new specification.

You may not sell the specification until 15 days after filing your report; thereafter you may sell the specification at your proposed ceiling price unless and until notified by the Director that your proposed ceiling price has been disapproved or revised or that more information is required. In the event that more information is required you may not sell until 15 days after filing the additional information.

SEC. 7. Delivery practices, price differentials, extra charges and terms of sale—(a) Delivery practices. You shall continue to sell on the same delivered price basis which you used during the base period. In the event that you sold during the base period on other than a delivered price basis, you may continue to sell on such other basis.

(b) *Price differentials.* Your ceiling prices, when determined, shall reflect

your established price differentials, including quantity and printing differentials, in effect during the base period.

(c) *Extra charges.* Your ceiling prices, when determined, shall reflect your established extra charges such as those for special tape, thread, sleeves, inserts, and moisture proofing which were in effect during the base period.

(d) *Terms of sale.* Your cash discount and other terms of sale shall not be less favorable to each buyer than those which you had in effect during the base period.

(e) Sellers under section 5 shall use the trade practices as filed in accordance with the provisions of section 5 (b) or section 14 (c).

SEC. 8. Less than ceiling prices. Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 9. (Reserved.)

SEC. 10. Adjustable pricing. Nothing in this regulation shall be construed to prohibit your making a contract or offer to sell paper shipping sacks covered by this regulation at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver a commodity covered by this regulation at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 11. Imports. The ceiling prices for imports of paper shipping sacks covered by this regulation shall be determined under CPR 31—Imports, issued by the Office of Price Stabilization.

SEC. 12. Export sales and sales to territories and possessions of the United States. (a) Your ceiling price for export sales and sales for export of paper shipping sacks shall be determined under CPR 61—Exports, issued by the Office of Price Stabilization.

(b) On sales for water shipment to the territories and possessions of the United States, you may add to your domestic ceiling price, based upon your nearest port of exit, all actual direct or indirect costs incident to such transactions, including but not limited to, special packaging, transportation, and insurance.

SEC. 13. Records. On and after the effective date of this regulation, every manufacturer making sales or exchanges of paper shipping sacks and every person who, in the course of trade or business, buys new paper shipping sacks from manufacturers shall keep for inspection by the Office of Price Stabilization, for a period of 2 years from the date of sale, records or invoices of each sale or exchange of such paper shipping sacks showing the following:

(a) The date of purchase, sale or exchange;

(b) Name and address of the buyer and seller;

(c) Specification sold, bought, or exchanged;

(d) Quantity of each specification sold, bought, or exchanged; and

(e) Prices, including terms of sale, received.

SEC. 14. Reports. (a) Within 30 days after the effective date of this regulation you shall file with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C., your complete price lists, formulas or both, including all trade practices as defined in section 20 (a) (22), as employed by you during the base period.

(b) If you establish revised ceiling prices or revised price formulas under section 4 (a) or 4 (b) of this regulation, you shall file, immediately after such revised prices or formulas have been established, your revised price lists, price formulas, or both, with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C. You may sell at your revised ceiling prices five days after filing, subject to nonretroactive disapproval or revision at any later time by the Director.

(c) If you are a manufacturer who started producing paper shipping sacks after January 25, 1951, and before the effective date of this regulation, you shall price under section 5 (a) and file within 30 days after the effective date of this regulation your complete price lists, proposed formulas, or both, including all your trade practices, with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C.

SEC. 15. Transfers of business or stock in trade. If the business, assets or stock in trade of any business subject to this regulation are sold or otherwise transferred after the effective date of this regulation, and the transferee carries on the business or continues to deal in the same type of products in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 16. Evasions. Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation, or in concealing or falsely representing information as to which this regulation requires records to be kept, constitutes an evasion and is a violation of this regulation. This prohibition includes, but is not limited to means or devices making use of commissions, services, gross sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements, and trade understandings, as well as the omission from records of true data and the inclusion in the records of false data.

SEC. 17. Supplementary regulations. The Director may issue supplementary regulations modifying or supplementing this regulation as he deems appropriate.

SEC. 18. Petitions for amendment. If you wish to have this regulation amended, you may file a petition for amendment in accordance with the pro-

visions of Price Procedural Regulation 1, Revised.

SEC. 19. Interpretations. If you have any doubt as to the meaning of this regulation, you should write to the District Counsel of the proper OPS District Office for an interpretation. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

SEC. 20. Definitions. (a) The terms used in this regulation shall be construed in the following manner:

(1) **Base period.** This term means the period January 25, 1951 through February 24, 1951.

(2) **Base list price.** This term means that price established in a price list before addition of any further charges such as printing differentials, quantity differentials and extra charges.

(3) **Commodity.** This term means any product covered by this regulation:

(4) **Comparable specification.** This term means a specification which is made by the same seller, recognized in the trade or industry as having the same general use and serviceability, and is most comparable by grade, cost, and quantities of raw material for a unit of the specification, and is most nearly alike for the converting operations required. If more than one specification can be regarded as comparable, the one whose current direct cost is closest to the current direct cost of the specification being priced shall be regarded as the comparable specification. Printing shall have no effect on the comparability of the commodity.

(5) **Delivered price.** This term means that price quoted or charged which includes prepaid freight and shipment to the buyer's plant or warehouse, or to the freight station nearest the buyer's plant or warehouse.

(6) **Direct cost.** This term means labor and material costs which enter directly into the product. It does not include factory overhead, or indirect manufacturing expenses, administrative, general or selling expenses.

(7) **Director.** This term refers to the Director of Price Stabilization or his duly authorized representative.

(8) **File, filed or filing.** These terms means the forwarding of any records or reports by registered mail, return receipt requested, to the Office of Price Stabilization, Washington 25, D. C. The date of filing shall be construed as the date of receipt by the Office of Price Stabilization in Washington, D. C. If hand delivered, the date of delivery shall be the date of receipt.

(9) **Manufacturer.** This term means any person who produces, from raw materials, partially or completely, any of the commodities as described by this regulation, and includes the agents and representatives of such person. Each production unit of a manufacturer set up basically to process, partially or completely, and to sell any of the commodities covered by this regulation, shall be deemed to be a separate seller.

(10) **Most closely competitive manufacturer.** This term means the manufacturer with whom you are in most direct competition. You are in direct competition with another manufacturer if he sells the same type of shipping sack to the same class of purchaser.

(11) **Paper shipping sacks.** This term means new bags or sacks manufactured basically from shipping sack kraft paper, rope paper, or a combination rope and kraft paper for use as:

(i) Plant-packed shipping containers designed to carry 25 pounds or more of any particular product either as the primary container or as an overslip for the primary container or as a container (baler) for assembly of a number of primary containers into a single shipping unit; or

(ii) Plant-packed consumer packages designed to carry one pound or more of the same products which are also packed in the larger shipping containers.

(12) **Person.** This term includes any individual, corporation, partnership, association or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof or any other government, or any of its political subdivisions or any agency of any of the foregoing.

(13) **Price formula.** This term means a method of calculation generally in printed form, using specific factors by which prices may be determined for use by salesmen and the trade.

(14) **Price list.** This term means a published or circulated price schedule or pricing manual covering specific types or classes of paper shipping sacks, for use by salesmen and the trade.

(15) **Purchaser of the same class or class of purchaser.** This term refers to the practice adopted by a seller in setting different prices for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, shipper, retailer, Government agency, public institutions or individual consumer) or for purchasers located in different areas or for purchasers of different quantities or grades or under different terms or conditions of sale or delivery.

(16) **Records.** This term means, without limitations, books of accounts, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, documents, letters, correspondence, and other papers.

(17) **Rope paper or combination rope and kraft paper.** This term means paper composed of all rope fibres or a combination of sulphate fibres and rope fibres produced on a cylinder type paper machine and customarily utilized for production of certain shipping sacks.

(18) **Round down.** This term means, with reference to a price or price calculation, that computations are carried to the third decimal (mill), dropping all digits thereafter, and the final ceiling price reduced down to the nearest five cents or cipher.

Example:

If computation equals \$64.493, final ceiling price is \$64.45.

If computation equals \$64.449, final ceiling price is \$64.40.

(19) *Sell.* This term includes sell, supply, dispose, barter, exchange, lease, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "buy", "purchase" or "purchaser" shall be construed accordingly.

(20) *Shipping sack kraft paper.* This term means any machine-finished unbleached, bleached, or colored kraft paper, containing unbleached or bleached 100% sulphate fibre, made to the individual specifications of a manufacturer of shipping sacks or Federal Specification UU-S-48b, and customarily utilized for production of shipping sacks.

(21) *Specification.* This term means a particular shipping sack, the complete description of which is furnished by the buyer for a specific order, including where applicable, but not limited to, such measurements as the bag or face width, gusset width, tube width, bag or face length, tube length, basis weight and grade of each wall, printing and extra features such as special tape, thread, sleeves, inserts and moisture proofing.

(22) *Trade practices.* This term includes delivery practices, price differentials, extra charges and terms of sale.

(23) *Type of sack.* This term means the classification of shipping sacks to primary categories, including but not limited to, sewn valve, sewn open mouth, pasted valve, pasted open mouth, and pockets.

(24) *You.* This term means the person subject to this regulation. "You" and "yours" are construed accordingly.

Effective date. This regulation shall become effective January 19, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

JANUARY 14, 1952.

[F. R. Doc. 52-640; Filed, Jan. 14, 1952;
4:00 p. m.]

[Ceiling Price Regulation 116]

CPR 116—SPECIAL PAPERBOARD, FOOD CONTAINER AND CLOSURE PAPERBOARD

Pursuant to the Defense Production Act of 1950, as amended, (Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 116 is hereby issued.

STATEMENT OF CONSIDERATIONS

The food container and closure paperboard industry covered by this regulation is that segment of the special paperboard industry that produces sanitary paperboard used in the manufacture of containers and closures for moist, liquid or oily foods. Of the 10,970,000 tons of paperboard produced in the United States during 1950, about 765,000 tons, or 7 percent, was "foodboard", and of this 765,000 tons, only 350,000 tons were sold on the market with the remainder being consumed by converters owned and operated by the paperboard mills. Even

though the tonnage produced is comparatively small, it is essential to the national economy and to the maintenance of health standards, since it is the raw material required in packaging food, particularly milk and other dairy products, and frozen foods. Of the 21 billion packages of milk marketed annually, approximately 8 billion are in cartons made entirely of paperboard. The remainder, usually in glass bottles, require a plug or lip cover type of closure most of which is made of paperboard. There is virtually no substitute for these packaging methods that can meet the requirements of health laws. Sanitary paperboard also forms the basic stock from which food containers, so essential to in-plant feeding of industrial workers in our defense plants, are made.

Manufacturers of food container and closure paperboard for sale formerly established price ceilings under the General Ceiling Price Regulation and Ceiling Price Regulation 22. These over-all regulations were intended to serve only until regulations tailored to deal with specific problems of individual industries could be issued.

There are 24 companies producing the grades of special paperboard covered by this regulation. Seven of these produce only for their own use, and of the remaining 17, five produce both for their own use, and for sale on the market. There is such wide variance in products manufactured by the 17 companies producing solely or partially for the market as to grades produced, methods of manufacture, and transportation allowances, that the establishment of industry-wide dollar and cent ceiling prices and freight allowances would not be feasible.

This regulation freezes prices of sanitary food container and closure paperboard at their current levels. Each manufacturer must continue to sell the grades of board listed in the regulation at prices no higher than those at which he sold or offered the same grades for sale, during the 45-day period ending at the close of business January 11, 1952. If freight allowances and differentials for quantity or quality were applied during the 45-day period ending January 11, 1952, the same allowances and differentials must be maintained. The level of prices established by this regulation, ranges from 2.3 percent to 4.0 percent higher on an industry-wide weighted average basis than the GCPR prices, depending on the raw material used. The prices established are considerably lower than the level that would result from full use of the pricing provisions of CPR 22.

Because of the high degree of essentiality of the food container and closure industry in the defense effort and the perishable nature of the types of foods packed in paper food containers, the Director of Price Stabilization, in establishing these levels, has given due consideration to the necessity of maintaining an uninterrupted supply of raw material to the package producers.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization, the ceiling prices es-

tablished by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950, as amended, to prices prevailing during the period January 25, 1951 to February 24, 1951, inclusive, and just before the issuance of this regulation; and to relevant factors of general applicability.

In the formulation of this regulation there has been consultation with industry representatives including five meetings with the Industry Advisory Committee, and consideration has been given to their recommendations. Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

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| 2.1 | Ceiling prices for food container and closure paperboard. |
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| 2.3 | Differentials. |
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AUTHORITY: Sections 1.1 through 2.4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE I

SECTION 1.1. *What this regulation does.* This regulation supersedes the General Ceiling Price Regulation and Ceiling Price Regulation 22 with respect to manufacturers' sales of food container and closure paperboard.

The terms "food container and closure paperboard" or "foodboard", as used in this regulation, cover paperboard used in the manufacture of containers and closures for moist, liquid or oily foods. Particular types and grades of such paperboard are listed and described in section 2.1.

SEC. 1.2. *Applicability.* The provisions of this regulation shall apply within the 48 States of the United States and the District of Columbia.

SEC. 1.3. Sales at less than ceiling prices. Prices lower than the ceiling prices set by this regulation may be charged, demanded, offered or paid.

SEC. 1.4. (Reserved.)

SEC. 1.5. Petitions for amendment. If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised (15 F. R. 9055).

SEC. 1.6. Applications for adjustment. You may apply for an individual adjustment of your ceiling prices in accordance with the provisions of General Overriding Regulations 10, 20 or 21.

SEC. 1.7. Adjustable pricing. Nothing in this regulation shall be construed to prohibit you from making a contract or offer to sell at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 1.8. Interpretations. If you have any doubt as to the meaning of this regulation, you should write to the District Counsel of the proper OPS District Office for an interpretation. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

SEC. 1.9. Transfer of business or stock in trade. If the business, assets or stock in trade of any business are sold or otherwise transferred after the date of issuance of this regulation and the transferee carries on the business or continues to deal in the same type of commodities in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee, with respect to sales of special paperboard, shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available for so long as the Defense Production Act of 1950, as amended, remains in effect, or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 1.10. Records—(a) Base period records. On and after the effective date of this regulation for so long as the Defense Production Act of 1950, as amended, shall remain in effect and for two years thereafter, you shall maintain and keep for examination by the Director of Price Stabilization, all your existing records relating to prices which you charged for commodities which you sold or con-

tracted to sell at a definite price during the base period. These records shall include your differentials and freight allowances.

(b) *Current records.* On and after the effective date of this regulation, for a period of two years after each sale, you and the purchaser shall maintain and keep for examination by the Director an invoice rendered by you to the purchaser within 10 days of shipment, stating the name and address of the seller, the name and address of the buyer or consignee, if other than the buyer, the f. o. b. point, date of sale, the price charged per unit of sale, the quantity sold, the name and specifications of the commodity as described in this regulation, and the applicable count or ream weight, basis weight, caliper or test. Any transportation charge or allowance shall be stated separately.

SEC. 1.11. Prohibitions and evasions—
(a) *Prohibitions.* You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically (but not in limitation of the above), you shall not, regardless of any contract or other obligation, sell and no person in the course of trade or business shall buy from you at a price higher than the ceiling price established by this regulation, and you shall keep, make, and preserve true and accurate records and reports required by this regulation. If you violate any provisions of this regulation you are subject to criminal penalties, enforcement action, and action for damages.

(b) *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of services, cross sales, transportation arrangements, premiums, special privileges, up-grading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 1.12. Definitions. (a) The terms appearing in this regulation, unless the context clearly requires a different meaning, shall be construed as follows:

(1) *Base period.* This term means the 45-day period ending at close of business January 11, 1952.

(2) *Director.* This term refers to the Director of Price Stabilization or his duly authorized representatives.

(3) *File.* This term means to submit by registered mail, return receipt requested, or deliver by hand.

(4) *Foodboard.* This term is a shortened form of, and is used interchangeably with, the term "food container and closure paperboard".

(5) *Groundwood (mechanical) wood pulp board.* This term means paperboard made of at least 50% pulp which

has been produced by grinding wood against a pulp stone.

(6) *Person.* This term includes any individual, corporation, partnership, association, or any other organized group of persons, or legal successors or representatives of any of the foregoing and the United States or any other Government, or their political subdivisions or agencies.

(7) *Purchaser of the same class or class of purchaser.* This term is determined by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. It may (but need not) be based on the location of the purchaser or the quantity purchased by him. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

(8) *Sell.* This term includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "buy", "purchase", and "purchaser", shall be construed accordingly.

(9) *Solid bleached chemical pulp paperboard or bleached chemical pulp paperboard.* This term means paperboard made of at least 85% bleached pulp which has been produced by a chemical (as opposed to mechanical) process, such as, sulphate, sulphite and soda process.

(10) *You.* This term means the person subject to this regulation; "your" and "yours" shall be construed accordingly.

ARTICLE II

SEC. 2.1. Ceiling prices for food container and closure paperboard. (a) A manufacturer's ceiling price to any purchaser for any grade of food container or closure paperboard listed and described in paragraph (b) of this section shall be the highest price at which he sold or offered to sell such grade to that purchaser or to a purchaser of the same class, during the 45-day period ending at the close of business January 11, 1952.

(b) The grades of food container and closure paperboard priced under this section are described below:

(1) *Milk carton stock—Type I.* A dense, tough, bleached chemical pulp paperboard, .009 to .030 in caliper, suitable for forming into containers and waterproofing by application of paraffin either by the converter or in the dairy just prior to filling.

(2) *Milk carton stock—Type II.* A dense, tough, bleached chemical pulp paperboard, .016 to .025 in caliper, suitable for receiving application of vinyl plastic or similar coating when in roll or blank form and suitable for subsequent forming into containers. Smooth surface, high sizing, strength and stiffness are requisite characteristics of this paperboard.

(3) *Liquid tight container sidewall stock.* A bleached chemical pulp or combination bleached chemical and groundwood pulp paperboard, .010 or

more in caliper, suitable for spiral winding on stationary mandrel to form sidewall of liquid tight paperboard cans.

(4) *Two-piece cup and round nested food container stock.* A bleached chemical pulp paperboard .0065 to .026 in caliper, 90 to 350 # (24" x 36"—500) basis weight, hard-sized and having sufficient bending qualities to permit folding, crimping, beading, and forming into food containers with tapering sidewalls.

(5) *Milk bottle plug cap, stock and liquid tight container top and bottom stock.* A chemical, groundwood or combination chemical and groundwood pulp paperboard, lined or unlined. Usually a stiff, hard-sized board with good printing and die-cutting properties.

(6) *Milk bottle hood and lip cover stock.* A bleached chemical pulp paperboard used in fabrication of sanitary protection type of closure for milk bottles. The hood type which comes down on the neck of the bottle requires a relatively stiff board of approximately .009 caliper which is receptive to plastic coating. The lip cover type requires a board from .025 to .028 caliper with good molding qualities and receptibility to waxing. Both types must have good printing surface.

(7) *Cup lid stock.* A solid bleached chemical or combination chemical and groundwood pulp paperboard of .025 caliper or greater, having stiffness, good printing and die-cutting properties.

(8) *Solid bleached carton stock.* A solid bleached chemical pulp paperboard; usually water finished; made on Fourdrinier or cylinder machines, generally used for making ice cream cartons, factory filled ice cream pails, frozen food cartons, meat packages, carry-out ice cream pails and food pails, and for other food containers; usually paraffined and suitable for packaging moist, liquid, and oily foods.

(9) *Doubled bleached lined carton stock.* A double bleached lined paperboard; usually water finished cylinder machine board. It is used for making various types of ice cream packages and other food containers which are usually paraffined.

(10) *Single bleached lined carton stock.* A single bleached lined paperboard; usually water finished cylinder machine board used for making butter, oleo, lard, and shortening cartons, frozen food packages, carry-out ice cream and food pails, and other food packages, which are usually paraffined.

(11) *Solid wood pulp board.* A solid wood pulp board usually made from virgin pulp consisting of a major proportion of mechanical pulp and a minor proportion of chemical pulp or its equivalent, and generally used for making paper plates, closures, coasters, protective separators and other similar products.

(12) *Meat board and meat tray stock.* Meat board and meat tray stock may be made of solid bleached chemical or a combination of chemical and groundwood, or all groundwood pulp, so treated as to resist penetration of blood, grease,

meat juices, and moisture. Stiffness is a requisite characteristic of this board.

SEC. 2.2. *Ceiling price for foodboard which cannot be priced under section 2.1 of this regulation.* (a) If you wish to sell a grade of foodboard not specifically listed and described in this regulation, or if you wish to sell a grade of foodboard which is listed in section 2.1 but which you did not sell or offer to sell during the base period, your ceiling price shall be established upon filing (see section 1.12) with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C., an application containing the following information:

(1) Name and address of applicant;
(2) Name of grade to be priced;
(3) Name of nearest related grade of food container or closure board made by you;

(4) Description of grade to be priced, i.e., description of furnish, caliper, or basis weight, test, color (brightness), and other specification data;

(5) Sample of grade to be priced, if available;

(6) Proposed price;

(7) Cost comparison with nearest related grade made by you;

(8) Statement explaining why the proposed price is in line with other ceiling prices established by this regulation.

(b) You may not sell the grade of foodboard described in paragraph (a) above until the Director establishes a ceiling price for it. If the Director does not establish a price within 15 days from the date of the return receipt of the application (or date of receipt by the Office of Price Stabilization if the application is delivered by hand), the price requested may be deemed to be approved subject to non-retroactive disapproval or revision at any later time by the Director. In the event that more information is required, you may not sell until 15 days after filing (see section 1.12) the additional information.

SEC. 2.3. *Differentials.* (a) If, during the base period, you applied differentials to the listed grades for quantity, special caliper, special strength, special roll dimensions, special sheet size, special finish, special sizing, special color or brightness (including use of additives such as pigment or titanium), special wrapping, warehousing or handling, or other special characteristics or requirements involving a difference in cost, you may continue to apply the same differentials in the same manner as you did during the base period.

(1) Within 45 days of the effective date of this regulation you shall file with the Director a list of your base period differentials on a dollar and cent basis and a clear statement of the manner in which they were applied during the base period.

(b) For a differential not applied by you during the base period, you shall use the list or written offering price for such differential effective during such period. If no list or written offering price for such differential was in effect during the

base period, an application for approval of a differential shall be filed (see section 1.12) with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C. This application shall contain your full name and address; one or more comparable differentials applied or offered by you during the base period; the unit direct cost of rendering the added service or imparting the special characteristics to the paperboard; the proposed price in dollars and cents of the new differential. Unless your application is disapproved or revised by the Director within 15 days of the date of the return receipt (or date of receipt by the OFS, if application is delivered by hand), it may be considered approved subject to non-retroactive disapproval or adjustment at any later time by the Director of Price Stabilization. In the event that more information is required, you may not sell until 15 days after filing the additional information.

(c) The differentials established for a manufacturer under the provisions of this section shall apply only to that manufacturer and may not be used by any other manufacturer without the special authorization of the Director.

SEC. 2.4. *Freight allowances.* (a) You shall continue to allow at least the same dollar and cent freight allowances that you allowed during the base period.

(b) Within 45 days of the effective date of this regulation, you shall file with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C., a complete schedule of the freight allowances employed by you during the base period.

Effective date. This regulation shall become effective January 19, 1952.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DeSALLE,
Director of Price Stabilization.

JANUARY 14, 1952.

[F. R. Doc. 52-634; Filed, Jan. 14, 1952;
11:42 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 61, Amdt. 1]

GCPR, SR 61—ADJUSTMENT OF PROCESSED BEEF CEILING PRICES

PACKAGED SPECIALTY STEAK PRODUCTS, BASE PERIOD, FILING DATE AND MISCELLANEOUS PROVISIONS

Pursuant to the Defense Production Act of 1950, as amended, (Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation 61, General Ceiling Price Regulation, is hereby issued.

STATEMENT OF CONSIDERATIONS

1. This amendment extends coverage of Supplementary Regulation 61 to

processors of certain specialty steak and beef variety meat items, and edible beef by-products; whose ceiling prices were heretofore determined by the General Ceiling Price Regulation. The general pricing provisions of the General Ceiling Price Regulation, Ceiling Price Regulation 24 and Ceiling Price Regulation 25 and Ceiling Price Regulation 26 which were applicable to these products are thus superseded by this amendment. However, where specific dollars-and-cents ceiling prices are now or hereafter established by Ceiling Price Regulations 24, 25 and 26, those dollars-and-cents ceilings control.

The inclusion of these new items is necessitated by the fact that the cost of beef raw materials to processors has risen substantially in recent months, because of revisions in the ceiling price structure necessitated both by the provisions of the Defense Production Act of 1950 and the recent changes made by the 1951 Amendments to the Act.

Amendment 6 to Ceiling Price Regulation 24 allowed increases in the ceiling prices of beef and beef products sold at wholesale, to reflect, in accordance with the requirements of the Act, the decreased value of the byproducts of cattle slaughter. Moreover, the so-called Fugate Amendment to the Defense Production Act of 1950 compelled the Office of Price Stabilization to increase the ceiling prices for utility grade beef (a grade which is used to a large extent by the processors covered by this supplementary regulation) in order to insure certain minimum returns to cattle producers, as required by that amendment:

2. In addition, this Amendment 1 to SR 61 provides for a limited pass-through by processors of the hotel supply house and combination distributor's addition provided in Ceiling Price Regulation 24, in the same manner in which SR 61 permitted (and continues to permit) a pass-through of the wholesaler's addition provided in section 42 of CPR 24. As in the latter case, neither of the two new additions now recognized may result in a pass-through which exceeds \$0.75 per cwt.

3. A change has also been made in the definition of the base period initially contained in SR 61, in order to make the filing requirements less burdensome to processors covered by this regulation. In lieu of the three-month base period originally provided, processors are given the option of filing the required cost and price figures only for the first week in each month of the three-month base period. This will provide a representative sampling of costs and prices during this period, adequate for the purpose of computing adjusted ceiling prices, while eliminating the need for examining a large number of records. Processors are also given the option of using a January 11 to January 25, 1951, base period in lieu of the April 1 to June 30, 1950, base period. This will provide a method of computation for those processors who may not have both purchased raw materials and sold their product during the latter period.

4. The term "secondary distributors" has been substituted for the term "intermediate distributors" wherever the latter appears, in order to avoid confusion with other meat regulations where the term "intermediate distributors" is used in a specialized sense.

5. A change has also been made in the mandatory filing date under the reporting section of this regulation, by extending this date to not later than February 15, 1952. Processors who do not complete their filings by that date, may not thereafter sell the product covered by this regulation.

6. Section 21 which heretofore provided for a delegation of authority to the OPS Regional Offices has been eliminated, because the same result has been accomplished by a separate order in the regular Delegation of Authority series. Instead, a new section 21 now contains language declaratory of the residual power of the Director of Price Stabilization to disapprove or modify ceiling prices established under the terms of this Supplementary Regulation 61.

7. Finally, there have been made certain slight clarifying changes and corrections to eliminate minor errors and inadvertent omissions.

In the formulation of this regulation, special circumstances have rendered formal consultation with industry representatives, including trade association representatives, impracticable; however, in formulating the provisions of this amendment, consideration has been given to the recommendations of persons representing substantial segments of the industry affected.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

In the judgment of the Director, the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

1. Section 1 is amended to read as follows:

SECTION 1. What this regulation does. (a) This supplementary regulation establishes ceiling prices for sales at wholesale and retail of cured, corned, cooked, smoked, dried, and barbecued beef products, beef specialty steak products, beef variety meats, and edible beef by-products. It supersedes the ceiling prices established by the General Ceiling Price Regulation, section 4 of Ceiling Price Regulation 24, and section 4 of Ceiling Price Regulation 25.

(b) However, where specific dollars-and-cents ceiling prices are established

by any ceiling price regulation for any of the items covered by this Supplementary Regulation 61 those dollars and cents ceiling prices and all other provisions of the regulation establishing those prices shall apply and the provisions of this supplementary regulation shall not apply.

(c) This supplementary regulation does not apply to sales of canned meat, sausage, or ground beef.

2. Section 5 (a) (5) is amended (by addition of the last sentence stated below) to read as follows:

(5) Round the result of your calculation in item (4) to the nearest 10 cents per cwt. This rounded figure is your "adjusted ceiling price" per cwt. In the case of specialty steak products, your "adjusted ceiling price" must not exceed \$2.00 per pound on sales at wholesale, or \$2.50 per pound on sales at retail.

3. Section 6 (a) is amended by deleting from the second and third lines thereof the words "the period April 1, 1950 to June 30, 1950; inclusive," and substituting therefor the words "the base period (as defined in section 24 (b) of this regulation)" and by deleting the words "this three-month period" where they appear in section 6 (a) (1), and the words "the three-month period" where they appear in sections 6 (a) (2), and in each case substituting therefor the words "the base period," so that section 6 (a), as amended, now reads as follows:

SEC. 6. Base period selling price. (a) If, during the base period (as defined in section 24 (b) of this regulation), you sold and delivered a commodity which you process, you determine your "base period selling price" per cwt. for that commodity by computing the price at which you sold and delivered the commodity during the base period. Determine that price as follows:

(1) Determine the total dollar sales of that commodity sold and delivered by you during the base period.

(2) Determine the total number of pounds of the commodity sold and delivered by you during the base period.

(3) Divide item (1) by item (2).

(4) Multiply the result in item (3) by 100. The resulting product is your "base period selling price" per cwt. for that commodity.

(b) If you cannot compute your "base period selling price" under the provisions of this section, see section 11.

4. Section 7 (a) is amended by deleting the words, "this three-month period" where they appear in section 7 (a) (1) and the words "the three-month period" where they appear in section 7 (a) (2), and in each case substituting therefor the words "the base period," so that section 7 (a), as amended, now reads as follows:

SEC. 7. Base period material cost. (a) If during the base period you bought and received the raw material for the commodity you process from an unaffiliated source, your "base period material cost"

will be the price you paid for the raw material during the base period. You determine your price for the raw material as follows:

- (1) Determine the total dollar purchases of the raw material bought and received by you during the base period;
- (2) Determine the total number of pounds of the raw material bought and received by you during the base period;
- (3) Divide item (1) by item (2). The resulting quotient is your "base period material cost" per pound.

5. Section 8 (b) is amended by deleting from the beginning thereof the words "on items listed in section 20 or 26 of CPR 24," so that section 8 (b), as amended, now reads as follows:

(b) The zone addition provided in section 40 of CPR 24, assuming the distribution point is your processing plant, plus

6. Section 8 (e) is amended to read as follows:

(e) The wholesaler's addition (provided in section 42 of CPR 24), or the hotel supply house or combination distributor's addition (provided in sections 20 and 22 of CPR 24), if actually incurred, but in no event more than \$0.75 per cwt. You figure this addition as follows: For the 30 days immediately preceding the issuance date of this regulation you determine—

(1) The total amount of raw material for the commodity (by weight) bought and received by you from all sources, including beef obtained from your own and affiliated sources;

(2) The total amount of raw material for the commodity (by weight) bought and received from wholesalers, hotel supply houses, or combination distributors, and upon which you paid the applicable additions provided for in CPR 24. However, if the item is a boneless beef item under section 22 of CPR 24 and the purchase is made from a wholesaler, hotel supply house, or combination distributor in a lower price zone than the one in which your establishment is located do not include such purchases in making this computation;

(3) Divide item (2) by item (1);

(4) Multiply item (3) by \$1.25;

(5) Take item (4) or \$0.75, whichever is lower, as the applicable addition (per cwt.) for the purposes of this section.

7. Article III is amended by deleting from the title thereof the word "Intermediate" and substituting therefor the word "Secondary", and by amending section 16 to read as follows:

SEC. 16. Adjustment of ceiling prices—

(a) *Secondary distributors.* (1) If you are a secondary distributor, as defined in section 24 (h) of this regulation, you must determine your "adjusted ceiling price" for any commodity covered by this supplementary regulation, by adding to (or subtracting from) your GCPR ceiling price for such commodity, the dollars-and-cents amount by which your supplier has increased (or decreased) his

GCPR ceiling price under the provisions of this supplementary regulation, as soon as he has given you the statement required by section 20 (c) (1). You must then give to each customer a similar notice upon your initial sale of such commodity to him at your adjusted ceiling price.

(2) If your supplier of any commodity covered by this supplementary regulation and purchased by you at an "adjusted ceiling price", is required to modify, suspend or cancel his "adjusted ceiling price", and thereafter upon his initial sale (at the new price) of this commodity to you, he gives you the statement required by section 20 (c) (3), you shall adjust your ceiling price accordingly, by adding (or subtracting) the dollars-and-cents amount by which your supplier's "adjusted ceiling price" was increased (or decreased), as the case may be. You must then give to each customer a similar notice upon your initial sale of such commodity to him at your newly adjusted ceiling price.

(b) *Retailers.* If you are a retailer you are subject to an adjustment of your GCPR price for any commodity covered by this supplementary regulation in the manner stated below, if your supplier has adjusted his GCPR ceiling price or if he has had his "adjusted ceiling price" modified by the Office of Price Stabilization, and if he has given you either of the statements required by sections 20 (c) (1) or 20 (c) (3). You must determine your "adjusted ceiling price" by adding to (or subtracting from) your GCPR ceiling price, the dollars-and-cents amount by which your supplier has increased (or decreased) his GCPR ceiling price. If your supplier's "adjusted ceiling price" is further modified by the Office of Price Stabilization, you must redetermine your ceiling price by adding (or deducting) the dollars-and-cents amount by which your supplier's "adjusted ceiling price" was newly increased (or decreased) as the case may be.

8. Section 20 (a) is amended by changing the first sentence thereof to read as follows:

(a) If you are a processor of a commodity covered by this regulation, you must file by registered mail, return receipt requested, with your Regional Office of Price Stabilization, on or before February 15, 1952, a separate OPS Public Form No. 89 for each such commodity you process.

9. Section 20 (c) (2) is amended to read as follows:

(2) If you are a processor of a commodity covered by this supplementary regulation and you have begun to sell that commodity at your "adjusted ceiling price" after the expiration of either of the mandatory 15-day waiting periods provided for in section 20 (a), or upon receipt of notice of modification of your proposed "adjusted ceiling price", and if, thereafter, your OPS Regional Office notifies you that your "adjusted ceiling price" has been disapproved, modified or that more information is required:

(i) You must make such modification in your "adjusted ceiling price" as is required in the notice from the OPS Regional Office; and

(ii) Thereafter, upon your initial sale of that commodity (at the new price) to each customer (other than an ultimate consumer), you must give him:

(a) A purchase invoice for that commodity; and

(b) A statement in the following form:

The Office of Price Stabilization has modified its adjustment of our ceiling price for (name of commodity) by requiring that we [eliminate the adjustment and return to our GCPR price] [substitute an adjustment of ____ cents per cwt. for the adjustment of ____ cents per cwt. previously authorized]. OPS requires you to [eliminate the adjustment and return to your GCPR price] [substitute an adjustment of ____ cents per cwt. for the adjustment of ____ cents per cwt. previously authorized]. You must preserve this notice and display it to an authorized officer of the Office of Price Stabilization upon his request.

10. Section 20 (c) (3) is amended to read as follows:

(3) If you are a secondary distributor of a commodity covered by this supplementary regulation and have begun to sell that commodity at an "adjusted ceiling price" after receiving any of the statements provided for in section 20 (c) (1) or (2), you must, upon your initial sale of that commodity to each customer, give him a statement identical to the one you have received.

11. Section 21 is amended to read as follows:

SEC. 21. *Disapproval and modification.* The Director of the Office of Price Stabilization may at any time disapprove or modify any "adjusted ceiling price" established under this supplementary regulation.

12. Section 24 (b) is amended to read as follows:

(b) "Base period" means any one of the following periods which you may elect for each commodity covered by this supplementary regulation during which you purchased raw materials for, and processed and sold, such commodity:

(1) The period April 1, 1950 to June 30, 1950; or

(2) The period January 11, 1951 to January 25, 1951; or

(3) The period comprising the three weeks April 1 to April 7, 1950, May 1 to May 7, 1950, and June 1 to June 7, 1950.

13. Section 24 (h) is amended by deleting the word "Intermediate" where it appears in the first line thereof and substituting therefor the word "Secondary," so that section 24 (h), as amended, now reads as follows:

(h) "Secondary distributor" means a person who buys a commodity for resale, other than to ultimate consumers.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 215½)

Effective date. This amendment shall become effective January 19, 1952.

Note: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

JANUARY 14, 1952.

[F. R. Doc. 52-635; Filed, Jan. 14, 1952;
11:42 a. m.]

[Ceiling Price Regulation 117]

CPR 117—MALT BEVERAGES

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 117 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for producers (brewers) of domestic malt beverages and for distributors of both imported and domestic malt beverages. It supersedes the General Ceiling Price Regulation (GCPR) insofar as the GCPR covers sellers of domestic malt beverages, and Ceiling Price Regulation (CPR) 31 to the extent that that regulation covers distributors of imported malt beverages who do not themselves do the importing. Importers of malt beverages remain covered by CPR 31 (which employs methods of control that are generally suited to that segment of the industry) except to the limited extent that those importers sell an item of imported malt beverages both to wholesalers and retailers. Since, in that special situation, it is customary for the price to the retailer to be the same, whether the imported item is sold to him by the importer or a non-importing wholesaler, it is provided that the importer is to determine his ceiling price for sale of such an item to retailers in the same manner as wholesalers calculate their ceiling prices under this regulation. The importer's ceiling price for sale of that item to wholesalers (as well as his ceiling prices for sales to wholesalers of items which he does not also sell to retailers) are to remain governed by CPR 31. Finally, all sales for export by any seller (brewer or distributor) continue to be controlled by CPR 61 (Exports), the general regulation covering those special types of transactions.

Brewers. The price level in the brewing industry is normally very stable. Short time changes in ingredient and packaging costs seldom are reflected in price changes for malt beverages, as is evidenced by the fact that the last industry wide price increase prior to the Korean outbreak was in 1946. After June, 1950, however, and especially during November and December, 1950, and January, 1951, many brewers advanced their prices. The weighted average of that price increase, per case of 24 12-ounce

returnable bottles, was nearly 10 cents. Approximately one-third of the brewers though (accounting for substantially less than one-third of the volume of malt beverages produced by the industry) did not increase their prices at that time.

Under the GCPR, therefore, the domestic brewing industry's price structure was one in which there existed abnormal price relationships between those brewers who raised their prices before January 26, 1951, and those who had maintained their pre-Korean prices until that "freeze" regulation was imposed. In addition, increases in the costs of ingredients, containers, and labor have resulted in substantial hardship for those who either maintained their pre-Korean prices or increased them only slightly. This regulation is, therefore, designed to relieve those hardships and to re-establish the pre-Korean price relationships.

The pricing technique employed in this regulation closely parallels that adopted by the Office of Price Administration in Revised Maximum Price Regulation 259, its regulation for the brewing industry. Specifically, a brewer is to determine his ceiling price for each individual item by adding a prescribed dollar-and-cent figure to the price at which he sold the item in a particular base period. The base period specified in this regulation is the period May 24 through June 24, 1950, the last normal month preceding the Korean outbreak.

To determine the amount of the increase to be allowed over base period prices, OPS conducted a survey of a representative sample of brewers to ascertain their cost experience between the end of the base period and July 31, 1951. From the data collected and analyzed three figures were arrived at; representing average increases in direct costs per gallon of beer sold in barrels, bottles and cans. The difference in the three figures result primarily from difference in the labor and packaging costs involved in the production of those various types of products. In addition, each of the three figures was broken down to take into account direct cost increases for sales both on an f. o. b. and on a delivered basis.

The ceiling price increase per gallon factors finally computed were translated into a table (Table I) which contains ceiling price increases for each different item (an item is a particular brand, type, container size, container type and case size of malt beverage) that, to the knowledge of the OPS, is presently being sold by domestic brewers. This was done to relieve the industry of the burden of converting the per gallon figures to an individual item basis and, also, to settle finally the method of treating any fractions of a cent resulting from such conversion of those per gallon increase factors. A domestic brewer determines his ceiling price for an item under this regulation, therefore, by applying to his base period f. o. b. or delivered price to a class-of purchaser the appropriate permitted increase figure appearing in Table I for such sales of that item.

To calculate a ceiling price for an item he did not sell during the base

period but which differs only in case and container characteristics from one he did sell in that period a brewer first figures his ceiling price for a "key item." The "key item" must be an item of the same brand and type as the one he wishes to sell, and must be of a certain case size, and container size and container type which are specified in the regulation. The brewer then refers to Table II which contains dollar-and-cent amounts that are to be added to or subtracted from the ceiling price of the "key item" to arrive at the ceiling price for sale of the item he is pricing. Those conversion figures represent the historical average differential existing between different case and container designations of items of the same brand and type, and were arrived at on the basis of the industry's price patterns as revealed by the survey referred to earlier.

Finally, if for any reason a brewer cannot determine his ceiling price for an item pursuant to the methods outlined above he must apply to the OPS for the establishment of that price. For example, application for the ceiling price of a particular item will be necessary if the item is of a brand or type not sold by the brewer in the base period. Or the brewer will find it necessary to make application for a ceiling price if the item he wishes to sell has different case and container characteristics than the items he sold in the base period and none of the ones he sold in that period qualify as "key items" whose ceiling prices can be used as initial prices to which to apply the conversion figure contained in Table II.

Section 402 (d) (3) of the Defense Production Act of 1950, as amended (DPA), provides that a ceiling price may not be established for a product processed from an agricultural commodity below that which will permit the processor to reflect back to the producers of that commodity the lower of its parity price or one of the other "legal minimum" prices specified in section 402 (d) (3). As applied to this particular industry this means that ceiling prices for brewers may not be set at such a level as to effectively prevent them from paying the specified "legal minima" for the grains and other agricultural commodities they use. In computing the ceiling price increase factors contained in Table I of this regulation the current level of prices of the agricultural commodities used by brewers was taken into account. Should those agricultural prices, which are now below the legal minima, increase to such an extent that the ceiling prices established herein for brewers are not sufficient to enable them to pay those higher prices for the farm commodities they use, this regulation will be amended to appropriately remedy the situation.

Wholesalers. For several years prior to the Korean outbreak wholesalers' prices remained generally unchanged and they, therefore, absorbed various raises in direct and indirect costs until the fall of 1950. At that time price increases by brewers were accompanied by increases by many wholesalers. In general, those wholesalers increased their

prices by more than the amount of the increase in cost from the brewers. In fact, in most cases the additional amount increased was more than the wholesaler's customary markup on the brewer's raise. Therefore, markups enjoyed by many wholesalers under GCPR were higher than their markups in the pre-Korean period. On the other hand, those wholesalers who did not increase prices when their brewers instituted a raise and those wholesalers whose brewers did not raise their prices at all had, under the GCPR, either lower markups than or the same markups as they had during the pre-Korean period. Consequently, it is necessary to turn to a pre-Korean period to eliminate the inequities and distortions resulting from those uneven price increases and to provide adjustments to the prices of that earlier period which will make them generally fair and equitable in light of current costs.

Data submitted to the OPS reveal that costs other than materials costs have, over the last few years, increased to such an extent that simply giving wholesalers their pre-Korean percentage markups over materials costs would result in such a decrease of profits that a substantial hardship would be visited upon the industry as a whole. In fact, the data show that merely providing pre-Korean percentage markups would not be sufficient to satisfy the "industry earnings standard." That standard implements section 402 (c) of the Defense Production Act of 1950, as amended (the section requiring that ceiling prices be "fair and equitable") and provides that if the price ceilings fixed for an industry fail to give that industry an opportunity to earn 85 percent of the average of the industry's earnings for the best three years during the period 1946-1949, inclusive, the industry as a whole is entitled to a price increase. The fact that an 85 percent return is not presently realizable under the GCPR, and the fact that available information indicates that pre-Korean percentage markups would not permit malt beverage wholesalers to reach that 85 percent level, have led to the conclusion that something more than those markups must be provided.

In lieu of pre-Korean percentage markups, this regulation prescribes dollar-and-cent increases, which malt beverage wholesalers may add to their prices in effect during the month preceding the Korean outbreak (the base period) to arrive at their ceiling prices. That base period was selected because it reflects the selling price relationships customary in the industry before some wholesalers instituted price increases (between June 24, 1950 and the issuance of GCPR) which others failed to place into effect. The dollar-and-cent permitted increase over the pre-Korean price was arrived at after data were collected and analyzed, and represents the sum which the Director of Price Stabilization finds is necessary to bring wholesalers' earnings up to the level provided by the "industry earnings standard." The percentage margins

over cost which are reflected in the ceiling prices established by this regulation are generally higher than the pre-Korean percentage margins.

In part, the dollar-and-cent permitted increase was computed on the basis of the average general freight rate increases, since June 24, 1950, for the major segment of the industry. However, this allowance for average general freight rate increases is inadequate in certain areas of the country, particularly the far West and the South, because the freight expenses incurred in those areas for items shipped from the major brewing centers are substantially higher than the freight expenses incurred in other sections of the country. To take care of this special situation, it is provided that a wholesaler who, between the base period and December 31, 1951, incurred an increase in freight costs on an item above the average that was considered, may further adjust his base period price for the item to reflect that additional increase.

If a wholesaler did not sell an item to a particular class of purchaser during the stated base period he is to determine his ceiling price to that class of purchaser by applying to the cost of the item, the percentage margin which he is currently receiving over the cost of a "comparison item." The "comparison item" must be one which he sold to the particular class of purchaser during the base period (and for which he has established a ceiling price under this regulation) whose cost is nearest to the cost of the item he is pricing. Finally, if a wholesaler cannot determine his ceiling price for sale of an item to a particular class of purchaser under either of the methods set forth above, he must apply to his OPS District Office for the establishment of a ceiling price which is in line with ceiling prices otherwise established under this regulation.

Many brewers operate branches in various parts of the country through which they sell not only to wholesalers, but to retailers and consumers as well. As was provided in Revised Maximum Price Regulation 259 (Issued by the Office of Price Administration during World War II), this regulation sets the same ceiling prices for these branches as are established for wholesalers. Experience of the Office of Price Administration and the current beer supply make it clear that establishing these prices for brewers' branches will not divert beer from the wholesalers to the branches.

Another type of seller who is to determine his ceiling prices as a wholesaler is the wagon vendor. Such sellers are found primarily in New York State. They buy from breweries and wholesalers and sell and deliver in case lots, mostly to consumers. The information that is available reveals that they, too, have been subject to heavy cost increases since June 24, 1950, just as wholesalers. Consequently, the same considerations which resulted in the pricing technique prescribed for wholesalers warrants the application of that technique to wagon vendors.

Finally, for reasons given in the opening of this Statement of Considerations, an importer who sells the same item of imported malt beverages both to wholesalers and retailers is to determine his ceiling price, for sales of that item to retailers, under the provisions of this regulation which apply to wholesalers.

Retailers. Retailers, just as other sellers of malt beverages, have experienced operating cost increases since the Korean outbreak. Because of the variety of products (in addition to malt beverages) sold by most retailers of food items, the number of such retailers doing business, and the diversity in different types of retail operations (for example, chain stores as compared to individual outlets) it is difficult, if not impossible, to evaluate the precise effect of those cost increases on retail operations generally, without first completing an extensive study. However, information available at this time does reveal that there has been no increase in the volume of retail sales (since June 24, 1950) over which to spread either those cost increases or any further cost increases which may occur as a result of the provisions of this regulation applying to the retailers' suppliers.

Since the OPS does not have completely representative data with respect to customary markups of retail sellers of beer, it cannot now prescribe a representative percentage markup which those retailers could apply to stated elements of cost to arrive at their ceiling prices (even assuming that that is the proper pricing method in this case). While it would be desirable, as an interim measure, to prescribe a dollar-and-cent figure to be added to retailers' selling prices in effect during the pre-Korean month (which dollar-and-cent figure would, of course, cover the cost increases since June 24, 1950), that pricing method is unworkable. Many retailers of malt beverages are small grocery stores which generally will not have records of the prices they charged during the pre-Korean month. Since their sales are almost entirely over-the-counter, they did not prepare sales invoices or other evidence of selling prices during the specified base period which they would currently have on file.

Data available to the OPS reveal that when their suppliers raise prices, most retailers will, in turn, increase selling prices to reflect not only the amount of the suppliers' increase but an additional amount to compensate for increases in their operating costs. Therefore, to the extent that their suppliers raised merchandise costs since June 24, 1950, retailers seized such opportunities to recoup those costs plus a portion of their increases in operating expenses.

In view of the above considerations the pricing method established for retailers is, in general, one which directs the retailer to add to his selling price for an item in effect during December 1951, (1) the dollar-and-cent amount of the increase in his supplier's selling price for that item (after the date the regulation becomes effective for that supplier) over the supplier's selling price

for that item in effect before the date the regulation became effective, plus (2) an additional markup over that selling price increase. The selling price in effect during December 1951, was selected as the base price because a retailer will have no difficulty in ascertaining this recent price, which reflects any materials cost increases incurred by him prior to the issuance of this regulation. The extra markup is provided to cover other retail operating cost increases experienced since January 26, 1951, when the retailer's prices were frozen, and to preserve a reasonable margin of profit over the supplier's selling price increase. The markup prescribed was based on the information now available. It is recognized that an extensive survey may reveal that customary markups over costs are higher or lower than the interim markup provided for in this regulation; however, it is believed that this interim markup fairly approximates the customary markup and will provide equitable retail margins pending the completion of a survey of retailers' customary margins on malt beverages. If, upon completion of this comprehensive survey, it appears that the retail margin provided by this regulation is too high or too low, this regulation will be amended accordingly.

If a retailer did not sell a particular item to consumers until after December 31, 1951, he must determine his ceiling price for that item by applying to its cost the percentage margin which he is currently receiving over the cost of a "comparison item." The "comparison item" must be one which he sold before December 31, 1951, has priced under this regulation, and has a cost nearest to the cost of the item for which he is determining a ceiling price.

If a retailer sold no malt beverages to consumers until after December 31, 1951, or if, for some other reason, he cannot determine his ceiling price for an item of malt beverages under the above-mentioned methods, he must adopt as his ceiling price for that item the ceiling price that his most closely competitive seller has for sale of the same item to consumers. Finally, if a retailer cannot arrive at his ceiling price for an item by reference to the ceiling price of his most closely competitive seller, he must apply to his OFS District Office for the establishment of an appropriate ceiling price.

"On-premise licensees" selling for off-premise consumption are, for all practical purposes, the same as ordinary retailers. Therefore, it is provided that, to the extent that the ceiling prices for off-premise consumption sales by "on-premise licensees" are not governed by CPR 11 (Restaurants) they are covered by those provisions of this regulation which apply to retailers.

MISCELLANEOUS PROVISIONS

All sellers covered by this regulation must give to their purchasers (except to consumers) notices of the ceiling prices established under this regulation. In addition, ceiling prices for sales to consumers must be posted by all sellers to consumers in clear view of the purchasing consumers.

Provision is also made in this regulation for the addition of specified case and container deposit charges to a seller's ceiling prices, as well as for the addition to those prices of sales, excise and similar taxes (to the extent that they are not already included therein). Furthermore, it is specifically provided that sellers who are required by State or local law to file or post prices before they can put them into effect, may delay placing such prices into effect on the day otherwise set forth in this regulation, until those filing or posting requirements can be complied with.

There are also included general provisions which apply to all sellers pricing under this regulation. For example, there is: a provision stipulating the method of dealing with fractions of a cent arrived at in computing ceiling prices; a provision for export sales; a record keeping provision; an adjustable pricing provision; a provision dealing with customary price differentials; the usual compliance, evasion, and penalty provisions; and a transfer of business provision (modified to deal with the special case of brewers who purchase additional facilities to be used to expand production of brands they are already producing). And finally, there is a provision permitting application for amendment of this regulation.

FINDINGS OF THE DIRECTOR

In the formulation of this regulation, the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, to the extent practicable and has given full consideration to their recommendations. In the Director's judgment the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

As far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in the furtherance of the objectives of the Defense Production Act of 1950, as amended; to parity prices and the other minimum requirements of the law, including prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; to the standards set forth in sections 402 (d) (4) and 402 (k) of the act; and to relevant factors of general applicability.

REGULATORY PROVISIONS

ARTICLE I—INTRODUCTORY PROVISIONS

Sec.

1. What this regulation does.
2. Where this regulation applies.

ARTICLE II—BREWERS

Sec.

20. Brewers' "base period."
21. How a brewer is to determine his ceiling prices for items dealt in during the "base period."
22. How a brewer is to determine his ceiling prices for items of a different container size, container type or case size than those dealt in during the "base period."
23. How a brewer is to determine his ceiling prices for sales of items when the ceiling prices for those sales cannot be determined under any other section of this regulation.
24. Brewers' notification of ceiling prices.

ARTICLE III—WHOLESALESALE

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31. How a wholesaler is to determine his ceiling prices for items dealt in during the "base period."
32. How a wholesaler is to determine his ceiling prices for items not dealt in during the "base period" and for sales of items to new classes of purchasers.
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ARTICLE IV—SELLERS WHO PRICE AS WHOLESALESALE

40. How brewers' branches are to determine their ceiling prices.
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ARTICLE V—RETAILERS

50. How retailers are to determine their ceiling prices for items sold between December 19, 1950 and December 31, 1951, inclusive.
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ARTICLE VI—"ON-PREMISE LICENSEES"

60. How "on-premise licensees" are to determine their ceiling prices.

ARTICLE VII—GENERAL PROVISIONS

70. Treatment of fractional parts of a cent in figuring ceiling prices.
71. Addition of case and container charges to ceiling prices.
72. When ceiling prices go into effect for sellers in price-posting states.
73. How you must post your ceiling prices to consumers.
74. Payment of brokerage.
75. Establishing minimum resale prices under State Fair Trade laws.
76. Reduction of ceiling prices for tax exempt sales to the United States or any of its agencies.
77. Customary price differentials and terms and conditions of sale and delivery.
78. Sales, excise and other similar taxes.
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82. Modification of ceiling prices by the Director of Price Stabilization.
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87. Sales slips and receipts.
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89. Interpretations.
90. Definitions.
100. When this regulation becomes effective.

APPENDIX A

Table V. Retailer's adjustment factors for case sales and for sales of individual containers of imported and domestic malt beverages.

AUTHORITY: Sections 1 through 100 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE I—INTRODUCTORY PROVISIONS

SECTION 1. *What this regulation does.* This regulation provides methods by which all sellers of imported and domestic malt beverages for off-premise consumption (except importers who sell other than to retailers) are to determine their ceiling prices. If you are one of those sellers, you are to determine your ceiling prices under whichever of the following sections apply to you: Brewers, sections 20 through 24; wholesalers, sections 30 through 34; brewers' branches, section 41; importers selling to retailers, section 41; wagon vendors, section 42; retailers, sections 50 through 53; and "on-premise licensees" selling for off-premise consumption, section 60. You should also, of course, read those general provisions contained in Article VII of this regulation which apply to you. As a result of this regulation (and after its effective date) the ceiling prices for brewers' and distributors' sales of domestic malt beverages for off-premise consumption are no longer to be established under the General Ceiling Price Regulation (GCPR), as amended, and the ceiling prices for those distributors' sales of imported malt beverages for off-premise consumption which are covered by this regulation are no longer governed by Ceiling Price Regulation (CPR) 31.

SEC. 2. *Where this regulation applies.* This regulation applies in the 48 states of the United States and in the District of Columbia.

ARTICLE II—BREWERS

SEC. 20. *Brewers' "base period."* If you are a brewer of domestic malt beverages, your "base period" is the period May 24, 1950 through June 24, 1950. Therefore, any reference to a "base period" in those provisions of this regulation which apply to you, means May 24, 1950 through June 24, 1950.

SEC. 21. *How a brewer is to determine his ceiling prices for items dealt in during the "base period."* This section applies to you if you are a brewer who sells to a particular class of purchaser an item (defined in section 90 (b) (8)) which you sold or offered for sale to that same class of purchaser during the "base period." In that case, you must figure your ceiling price for those sales as follows:

(a) Determine the highest price at which you made a customary sale of the item to the particular class of purchaser during the "base period." If no such sale was made, you must use the highest

price at which you offered the item for sale to that class of purchaser during the "base period," if the offer, or its acceptance, is proven by some written or printed evidence such as a price list, price posting, printed advertisement, etc. (If, however, your offering price was intended to withhold the item from the market, or if it was merely a bargaining price, your usual practice being to sell at a price lower than that asked, you may not use that offering price as your offering price under this paragraph.) The "base period" price you determine under this paragraph must not include any deposit charge for case or containers or any amount that the purchaser may (pursuant to a repurchase agreement) recover for return of the case and containers purchased. In addition, if your "base period" price includes any excise or similar tax which has been reduced or eliminated since the beginning of the "base period," you must lower that price to reflect the amount of such reduction or elimination. If you cannot determine your "base period" sales price or offering price for the item under this subparagraph, then you must determine your ceiling price for the item under section 22 or 23, whichever is applicable.

(b) If you are calculating your ceiling price for sales of the particular item to wholesalers, wagon vendors, retailers or "on-premise licensees": (1) Consult Column 2 of Table I for the dollar-and-cent "permitted increase" figure applicable to that item, if your "base period" price (determined in paragraph (a)) to the particular class of purchaser was an f. o. b. price; (2) consult either Column 3 or 4 (whichever applies) of Table I for the dollar-and-cent "permitted increase" figure applicable to that item, if your "base period" price (determined in paragraph (a)) to the particular class of purchaser was a delivered price. If you are calculating your ceiling price for sales of the particular item to consumers, consult Column 5 of Table I for the dollar-and-cent "permitted increase" figure applicable to that item. (The "permitted increase" figures in Table I include adjustments for the increase in United States excise tax on malt beverages, which became effective November 1, 1951.) If a "permitted increase" figure for the particular item you are pricing is not listed in Table I, you must apply for a ceiling price for the item under section 23.

(c) Add together your "base period" price (determined in (a)) and the applicable dollar-and-cent "permitted increase" figure (determined in (b)). The resulting figure is your ceiling price for sales of the item to the particular class of purchaser and is (1) an f. o. b. price, if your "base period" price was an f. o. b. price; (2) a delivered price, if your "base period" price was a delivered price. That price, however, may be adjusted or modified under the provisions of sections 70, 71, 76, 77 and 78 of this regulation, if applicable.

Example 1: You wish to calculate your ceiling price for sales to wholesalers of a case of 24 12-ounce returnable bottles of X Brand beer. Your "base period" price for sales of that item to wholesalers was \$2.50, and was an f. o. b. price. In Column 1 of Table I you

find the line on which is listed the item you are pricing (24 12-ounce returnable bottles). Following that line across to Column 2, you find 25 cents, the "permitted increase" figure for f. o. b. sales to wholesalers of a case of 24 12-ounce returnable bottles of beer. Your f. o. b. calling price for sales to wholesalers of a case of 24 12-ounce returnable bottles of X Brand beer is, therefore, \$2.75 (\$2.50 + 25¢ = \$2.75).

Example 2: You wish to calculate your ceiling price for sales to "on-premise licensees" of a half-barrel of A Brand ale. Your "base period" price for sales of that item to "on-premise licensees" was \$9.50 and was a delivered price. In Column 1 of Table I you find the line on which is listed the item you are pricing (a half-barrel). Following that line across to Column 4, you find \$1.73, the "permitted increase" figure for delivered sales to "on-premise licensees" of a half-barrel of ale. Your delivered ceiling price for sales to "on-premise licensees" of a half-barrel of A Brand ale is, therefore, \$11.23 (\$9.50 + \$1.73 = \$11.23).

TABLE I—"PERMITTED INCREASE" IN BREWER'S "BASE PERIOD" PRICES FOR DOMESTIC MALT BEVERAGES

(1) Item (only the case size and container type and size are listed)	[In cents]			
	(2) "Permitted increase" in "base period" f. o. b. prices for sales to wholesalers, wagon vendors, and "on-premise licensees"	(3) "Permitted increase" in "base period" delivered prices for sales to wholesalers and wagon vendors	(4) "Permitted increase" in "base period" delivered prices for sales to retailers and "on-premise licensees"	(5) "Permitted increase" in "base period" f. o. b. or delivered prices for sales to consumers
Barrels:				
1	222	237	246	246
1/2	111	118	123	123
1/4	55	59	61	61
1/8	27	29	30	30
1/16	13	14	15	15
1/32	6	7	7	7
Bottles (returnable and non-returnable):				
6/4	33	35	46	51
4/4	22	23	31	34
12/32	33	35	45	51
12/24	22	23	33	36
24/16	17	18	23	25
12/16	17	18	23	25
48/12	10	11	14	16
24/12	25	26	33	36
12/12	12	13	17	19
6/12	6	6	8	9
24/11 1/2	24	25	32	35
12/11	11	12	15	17
48/8	33	35	46	51
24/8	22	23	31	34
12/8	11	12	15	17
48/7	23	24	31	34
24/7	14	15	20	22
12/7	7	8	9	11
48/6	25	26	33	36
24/6	14	15	20	22
12/6	7	8	9	11
12/5	5	6	8	10
Cans:				
12/32	32	33	45	43
48/12	48	50	63	73
24/12	24	25	34	35
12/12	12	13	16	13
6/12	6	6	7	9
48/8	32	33	45	43
24/8	24	25	34	35
12/8	12	13	16	13

NOTE: The "permitted increase" figures in Table I include adjustments for the increase in the U. S. excise tax on malt beverages, which became effective Nov. 1, 1951.

SEC. 22. How a brewer is to determine his ceiling prices for items of a different container size, container type or case size than those dealt in during the "base period"—(a) How to use this section. This section applies to you if you are a brewer who wishes to sell to a particular class of purchaser an item (defined in section 90 (b) (8)) which you did not sell (or offer for sale) to that class of purchaser during the "base period," but which differs only in case size or container size or container type, or any combination of these three characteristics, from an item for which you can determine a ceiling price to that class of purchaser under section 21. In that case, you must determine your ceiling price for sale of the particular item you wish to sell to that class of purchaser under the provisions of this section.

(b) Determination of your ceiling price. If you are a brewer to whom this section applies you must determine your ceiling price to a class of purchaser for sales of an item that differs only in case size or container size or container type (or any combination of those three characteristics) from an item for which you can determine a ceiling price to the

particular class of purchaser (under section 21) as follows:

(1) There are five case and container sizes and types listed, in the table labeled Specifications for "Key Items," at the end of this subparagraph. If (i) you can determine your ceiling price under section 21 for sale of an item to the same class of purchaser as that to which you wish to sell the item you are pricing and (ii) that item is of the same brand and type as the item you are pricing and is of the same size, container size and container type as one of the five items listed in the table labeled Specifications for "Key Items," then that item is your "key item." However, if there is more than one item that would qualify as a "key item" (under the standards set up in the last sentence) then your "key item" is that item which, of the items that qualify, accounted for the largest amount of sales, by dollar volume, in either the calendar year 1950, or your last fiscal year ending before January 1, 1952. (If none of your items qualify as a "key item" under this subparagraph (1), then you must apply, under section 23, for a ceiling price for sales of the particular item you wish to sell.)

SPECIFICATIONS FOR "KEY ITEMS"

Brand	Type	Case size (number of containers)	Container size (ounces)	Container type
Same as item being priced under this section.	Same as item being priced under this section.	24	12	Returnable bottles.
		24	11	Returnable bottles.
		24	11	Nonreturnable bottles.
		24	12	Cans.

(2) Consult Table II for the column headed with the case and container designations of your "key item," then select the figure in that column which applies to the case and container designations of the item for which you are determining a ceiling price. That figure is the "dollar-and-cent adjustment" for the item you are pricing. (If there is no "dollar-and-cent adjustment" figure listed in Table II for the item you are pricing you must apply, under section 23, for a ceiling price for that item.)

(3) To the ceiling price (determined under section 21) for sale of your "key item" to the particular class of purchaser, add or subtract (as the case may be) the "dollar-and-cent adjustment" arrived at under subparagraph (2) for the item you are pricing. The resulting figure is your ceiling price for sale of the item you are pricing to the particular class of purchaser and is (i) an f. o. b. price, if the ceiling price for sale of your "key item" to the same class of purchaser is an f. o. b. price; (ii) a delivered price, if the ceiling price for sale of your "key item" to the same class of purchaser is a delivered price. The ceiling price arrived at under this subparagraph (3) may, however, be adjusted or modified under the provisions of section 70, 71, 76 and 78, if applicable, but you must maintain the same terms and conditions of sale and delivery as you are required by section 77 to maintain for sales of your "key item" to the same class of purchaser.

Example: (The steps in this example are marked with the same numbers as the above subparagraphs, which outline the method of calculation.)

(1) You wish to determine your ceiling price for sales to wholesalers of a case of 36 8-ounce returnable bottles of X Brand beer. You can determine your ceiling price under section 21 for sales of X Brand beer in cases of 24 12-ounce returnable bottles and 24 12-ounce cans. However, in your fiscal year ending June 30, 1951 (your last fiscal year ending before January 1, 1952), your total sales, by dollar volume, of X Brand beer in cases of 24 12-ounce returnable bottles was greater than your total sales of that item in cases of 24 12-ounce cans. Your "key item," therefore, is a case of 24 12-ounce returnable bottles of X Brand beer.

(2) The case and container designations of your "key item" (24 12-ounce returnable bottles) are listed in Column 1 of Table II. Following that column down to the line on which is listed the case and container designations of the item you are pricing (36 8-ounce returnable bottles) you find the figure "+16." That figure is your "dollar-and-cent adjustment" for the item you are pricing.

(3) Your ceiling price (determined under section 21) for sale of your "key item" (a case of 24 12-ounce returnable bottles of X Brand beer) to wholesalers is \$2.65, and is your ceiling price for f. o. b. sales. Adding 16 cents (your Table II "dollar-and-cent adjustment" for the item you are pricing) to \$2.65, gives you \$2.81, which is your ceiling price for f. o. b. sales to wholesalers of a case of 36 8-ounce returnable bottles of X Brand beer.

TABLE II.—BREWER'S "DOLLAR-AND-CENT ADJUSTMENT" PER CASE FOR ITEMS PRICED UNDER SECTION 22

NOTE: If the "dollar-and-cent adjustment" figure listed below has a + sign in front of it, it is to be added to the ceiling price of the "key item." If it has a - sign in front of it, it is to be subtracted from the ceiling price of the "key item."

Case and container designations of item being priced	Case and container designations of "key items"				
	(1) 24 12-ounce returnable bottles	(2) 24 11-ounce returnable bottles	(3) 24 12-ounce non-returnable bottles	(4) 24 11-ounce non-returnable bottles	(5) 24 12-ounce cans
Returnable bottles:	Cents	Cents	Cents	Cents	Cents
6/64.....	+34	+44	-12	-2	-33
4/64.....	-34	-21	-80	-70	-101
12/32.....	+46	+56	0	+10	-21
12/24.....	-5	-5	-51	-41	-72
24/16.....	+50	+60	+4	+14	-17
12/16.....	-59	-49	-105	-95	-120
48/12.....	+166	+176	+120	+130	+97
24/12.....	0	+10	-46	-36	-62
12/12.....	-84	-74	-130	-120	-151
6/12.....	-123	-113	-174	-164	-195
24/11.....	-10	0	-56	-46	-77
12/11.....	-89	-79	-135	-125	-156
48/8.....	+78	+88	+32	+42	+11
36/8.....	+16	+26	-30	-20	-51
24/8.....	-44	-34	-90	-80	-111
12/8.....	-106	-96	-162	-152	-177
48/7.....	+56	+66	+10	+20	-11
36/7.....	0	+10	-40	-30	-67
24/7.....	-55	-45	-101	-91	-122
12/7.....	-112	-102	-158	-148	-179
48/6.....	+36	+46	-10	0	-31
36/6.....	-15	-5	-61	-51	-82
24/6.....	-65	-55	-111	-101	-132
12/6.....	-117	-107	-163	-153	-184
Non returnable bottles:					
12/32.....	+92	+102	+46	+56	+25
48/12.....	+253	+263	+212	+222	+191
24/12.....	+46	+56	0	+10	-21
12/12.....	-61	-51	-107	-97	-123
6/12.....	-117	-107	-163	-153	-184
24/11.....	+36	+46	-10	0	-31
12/11.....	-66	-56	-112	-102	-133
48/8.....	+170	+180	+121	+131	+103
36/8.....	+86	+96	+40	+50	+19
24/8.....	-42	-32	-84	-74	-105
12/8.....	-84	-74	-130	-120	-151
48/7.....	+148	+158	+102	+112	+81
36/7.....	+59	+69	+23	+33	+2
24/7.....	-9	+1	-53	-43	-70
12/7.....	-89	-79	-135	-125	-156
48/6.....	+128	+138	+82	+92	+61
36/6.....	+54	+64	+8	+18	-13
24/6.....	-19	-9	-65	-55	-80
12/6.....	-94	-84	-140	-130	-161
Cans:					
12/32.....	+113	+123	+67	+77	+46
48/12.....	+300	+310	+254	+264	+233
36/12.....	+133	+143	+137	+147	+116
24/12.....	+67	+77	+21	+31	0
12/12.....	-51	-41	-97	-87	-118
6/12.....	-110	-100	-156	-146	-177
48/8.....	+212	+222	+169	+179	+145
36/8.....	+117	+127	+71	+81	+50
24/8.....	+23	+33	-23	-13	-44

SEC. 23. How a brewer is to determine his ceiling prices for sales of items when the ceiling prices for those sales cannot be determined under any other section of this regulation. This section applies to you if you are a brewer who wishes to sell to a class of purchaser an item (defined in section 90 (b) (8)) of a brand or type (or of both a brand and type) which you did not sell (or offer for sale) to that class of purchaser during the "base period" and for which you cannot determine a ceiling price to that class of purchaser under either section 21 or 22 of this regulation. It also applies to you if you are a brewer who cannot for any other reason determine your ceiling price for sales to a class of purchaser of a particular item under either section 21 or 22. In either case, you may apply to the Office of Price Stabilization, Alco-

holic Beverage Section, Washington 25, D. C., for the establishment of a ceiling price for sale of the item to the particular class of purchaser. Your application must be in writing, signed by you or a duly authorized officer, shall state that it is filed under this section, and shall contain the following information:

(a) A description of the item for which you wish a ceiling price (that is, the item's brand, type, container size, container type and, if sold in returnable bottles, non-returnable bottles or cans, its case size).

(b) The class of purchaser to whom you wish to sell the item.

(c) An explanation of why you are unable to determine your ceiling price under either section 21 or section 22 for sales of the item to the particular class of purchaser.

(d) The names and addresses (if available) of the two brewers whom you think are selling the items that are (or will be) the most closely competitive items to the one for which you wish a ceiling price, and a description of those items (that is, the brand, type, container size, container type and, if sold in returnable bottles, non-returnable bottles or cans, the case size of each of the items). In addition, also state (if you can obtain the information) the ceiling prices in effect for sales of those two most closely competitive items to the same class of purchaser as that to whom you wish to sell the item for which you are making application under this section.

After your application is filed, the Office of Price Stabilization may, by amendment or order, establish a ceiling price for sales of the item to the particular class of purchaser which is in line with the level of ceiling prices otherwise established under this regulation. You may not, however, sell the item to the particular class of purchaser until after such amendment or order is issued and becomes effective. However, if you have established a ceiling price under the General Ceiling Price Regulation (GCPR) for sale of the item to that class of purchaser, you may continue to make such sales at or below your GCPR ceiling price until the amendment or order applied for under this section is issued and takes effect. In any event you may not sell the item to the particular class of purchaser either at or below your GCPR ceiling price after February 10, 1952, unless you have by that date placed in the mail, properly addressed and completed, your application for a ceiling price under this section.

SEC. 24. Brewers' notification of ceiling prices. (a) If you are a brewer who determines your ceiling prices under this regulation you must give to each of your purchasers (other than consumers), either at the time of, or before, your first delivery of any of your items to that purchaser after January 28, 1952, a written notice as follows:

NOTICE OF CEILING PRICES

The Office of Price Stabilization has authorized us to establish the following ceiling prices for sales to you of our malt beverages:

Item	Ceiling price
-----	-----
-----	-----
-----	-----

(List each item, defined in section 90 (b) (8), for which you have established a ceiling price for sale to the class of purchaser to whom the notice is given.)

Our ceiling prices include all Federal taxes and (specify State and local taxes, if any, included). The Office of Price Stabilization requires you to keep this notice for examination.

(b) You need only give the above notice to a purchaser once. However, (1) if you establish a ceiling price for sale to that purchaser of an item not listed in any previous notice you gave to him (under this section), or (2) if you change the ceiling price which was listed for sale of an item to that purchaser in the last notice to him (under this section) which covered that item, then you must give the purchaser an additional notice (listing the new ceiling prices for the particular item) at or before the time you make your first delivery of the item to the purchaser at that new ceiling price.

ARTICLE III—WHOLESALE

SEC. 30. Wholesalers' "base period." If you are a wholesaler of imported or domestic malt beverages your "base period" is the period May 24, 1950 through June 24, 1950. Therefore, any reference to a "base period" in those provisions of this regulation which apply to you, means May 24, 1950 through June 24, 1950.

SEC. 31. How a wholesaler is to determine his ceiling prices for items dealt in during the "base period." This section applies to you if you are a wholesaler who sells to a particular class of purchaser an item (defined in section 90 (b) (8)) of imported or domestic malt beverages which you sold or offered for sale to that same class of purchaser during the "base period." In that case, you must figure your ceiling price for those sales as follows:

(a) (1) Determine the highest price at which you made a customary sale of the item to the particular class of purchaser during the "base period." If no such sale was made, you must use the highest price at which you offered the item for sale to that class of purchaser during the "base period" if the offer, or its acceptance, is proven by some written or printed evidence such as a price list, price posting, printed advertisement, etc. (If, however, your offering price was intended to withhold the item from the market, or if it was merely a bargaining price, your usual practice being to sell at a price lower than that asked, you may not use that offering price as your offering price under this paragraph.) In addition, if during the entire "base period," you were selling the item to the particular class of purchaser under the terms of a "special deal" (as defined in section 90 (c) (8)), you may use as your "base period" price the price last in effect for the item to that class of purchaser before the day the "special deal" started.

(2) The "base period" price you determine under subparagraph (1) must

not include any charge for case or containers or any amount that the purchaser could (pursuant to a repurchase agreement) have recovered for return of the case and containers purchased. Furthermore, if your "base period" price includes any excise or similar tax which has been reduced or eliminated since the beginning of the "base period," you must lower that price to reflect the amount of such reduction or elimination. If you cannot determine your "base period" sales price or offering price for the item under this paragraph, then you must determine your ceiling price for the item under section 32 or 33, whichever is applicable.

(b) Consult either Column 2 or Column 3 (whichever applies) of Table III for the dollar-and-cent "permitted increase" figure applicable for sales of the particular item to the particular class of purchaser. (The "permitted increase" figures in Table III include adjustments for the increase in the United States excise tax on malt beverages, which became effective November 1, 1951.) If a "permitted increase" figure for the particular item you are pricing is not listed in Table III, you must apply for a ceiling price for the item under section 33.

(c) Consult Column 2 of Table IV for the amount of the "compensated freight increase" applicable to the particular item you are pricing. If your "freight cost" has (between the end of the "base period" and December 31, 1951) increased more than the amount of that "compensated freight increase", you may add an "additional freight cost adjustment" equal in amount to the excess of your "freight cost" increase over that "compensated freight increase". For purposes of this paragraph "freight cost" means:

(1) All transportation charges (as defined in section 90 (c) (9)) applicable to the particular item and actually incurred by you to transport the item from the supplier's customary shipping point to your customary receiving point, to the extent that those charges were not already included in the gross invoice price for the item; plus

(2) All transportation charges (as defined in section 90 (c) (9)) that (under the arrangement you have with your supplier) must be incurred by you (in addition to the gross invoice price for the item) to return to that supplier the empty case and containers in which the item is packed.

(d) Add together your "base period" price (determined in (a)), the applicable dollar-and-cent "permitted increase" figure (determined in (b)), and your "additional freight cost adjustment", if any (determined in (c)). The resulting figure is your ceiling price for sales of the item to the particular class of purchaser and is (i) an f. o. b. price; (ii) a delivered price, if your "base period" price was a delivered price. That ceiling price, however, may be adjusted or modified under the provisions of sections 70, 71, 76, 77, and 78 of this regulation, if applicable.

Example 1: You wish to calculate your ceiling price for sales to retailers (one of

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your classes of purchasers) of a case of 24 12-ounce returnable bottles of X Brand beer. Your "base period" price for sales of that item to retailers was \$3.50, and was a delivered price. In Column 1 of Table III you find the line on which is listed the item you are pricing (24 12-ounce returnable bottles). Following that line across to Column 2, you find 35 cents, the "permitted increase" figure for delivered sales to retailers of a case of 24 12-ounce returnable bottles of beer. In addition, since your "freight cost" for the item increased $4\frac{1}{2}$ cents between the "base period" and December 31, 1951, which is $1\frac{1}{2}$ cents higher than the amount of the "compensated freight increase" shown in Table IV for that item, your "additional freight cost adjustment" is $1\frac{1}{2}$ cents. Your delivered ceiling price for sales to retailers of a case of 24 12-ounce returnable bottles of X Brand beer is, therefore, \$3.86 $\frac{1}{2}$ (\$3.50 + 35 cents + $1\frac{1}{2}$ cents = \$3.86 $\frac{1}{2}$) which, under section 70, you may round up to \$3.87.

Example 2: You wish to calculate your ceiling price for sales to consumers of a case of 12 32-ounce returnable bottles of X Brand beer. Your "base period" price for sales of that item to consumers was \$4.10, and was an f. o. b. price. In Column 1 of Table III you find the line on which is listed the item you are pricing (12 32-ounce returnable bottles). Following that line across to Column 3, you find 51 cents, the "permitted increase" figure for f. o. b. sales to consumers of a case of 12 32-ounce returnable bottles of beer. (Since your "freight cost" for the item increased by only 2 cents between the "base period" and December 31, 1951, which is not in excess of the "compensated freight increase" for that item listed in Table IV, you are not entitled to any "additional freight cost adjustment.") Your f. o. b. ceiling price for sales to consumers of a case of 12 32-ounce returnable bottles of X Brand beer is, therefore, \$4.61 (\$4.10 + 51 cents = \$4.61).

TABLE III—"PERMITTED INCREASE" IN WHOLESALER'S "BASE PERIOD" PRICE FOR IMPORTED OR DOMESTIC MALT BEVERAGES

[In cents]		
(1)	(2)	(3)
Item (only the case size and container type and size are listed)	"Permitted increase" in "base period" prices for sales to all classes of purchasers other than consumers	"Permitted increase" in "base period" prices for sales to consumers
Barrels:		
1.....	346	346
2.....	173	173
3.....	115	115
4.....	86	86
6.....	53	53
12.....	43	43
Bottles (returnable and non-returnable):		
6/64.....	46	51
4/64.....	31	34
12/32.....	46	51
12/24.....	35	38
24/16.....	46	51
12/16.....	23	25
48/12.....	70	76
24/12.....	35	38
12/12.....	17	19
6/12.....	8	10
24/11 $\frac{1}{2}$	33	38
24/11.....	32	35
12/11.....	15	17
48/8.....	46	51
36/8.....	35	38
24/8.....	23	25
12/8.....	11	13
48/7.....	41	44
36/7.....	31	33
24/7.....	20	22
12/7.....	9	11
48/6.....	35	38
36/6.....	26	28
24/6.....	17	19
12/6.....	8	10

TABLE III—"PERMITTED INCREASE" IN WHOLESALER'S "BASE PERIOD" PRICE FOR IMPORTED OR DOMESTIC MALT BEVERAGES—Continued

[In cents]		
(1)	(2)	(3)
Item (only the case size and container type and size are listed)	"Permitted increase" in "base period" prices for sales to all classes of purchasers other than consumers	"Permitted increase" in "base period" prices for sales to consumers
Cans:		
12/32.....	46	48
48/12.....	68	73
24/12.....	34	36
12/12.....	16	18
6/12.....	7	9
48/8.....	46	48
36/8.....	34	36
24/8.....	22	24

NOTE: The "permitted increase" figures in Table III include adjustments for the increase in the U. S. excise tax on malt beverages, which became effective Nov. 1, 1951.

TABLE IV—WHOLESALER'S "COMPENSATED FREIGHT INCREASES"

(1)	(2)	(1)	(2)
Item (only the case size and container type and size are listed)	"Compensated freight increase" (in cents)	Item (only the case size and container type and size are listed)	"Compensated freight increase" (in cents)
Barrels:		Bottles (returnable and non-returnable)—Continued	
1.....	41	36/8.....	3
2.....	21	24/8.....	2
3.....	14	12/8.....	1
4.....	10	48/7.....	3
6.....	7	36/7.....	2
12.....	6	24/7.....	1
Bottles (returnable and non-returnable):		12/7.....	1
6/64.....	4	48/6.....	2
4/64.....	3	36/6.....	1
12/32.....	4	24/6.....	1
12/24.....	3	12/6.....	1
24/16.....	4	Cans:	
12/16.....	2	12/32.....	4
48/12.....	6	48/12.....	6
24/12.....	3	24/12.....	3
12/12.....	1	12/12.....	1
6/12.....	1	6/12.....	1
24/11 $\frac{1}{2}$	3	48/8.....	4
24/11.....	3	36/8.....	3
12/11.....	1	24/8.....	2
48/8.....	4		

SEC. 32. How a wholesaler is to determine his ceiling prices for items not dealt in during the "base period" and for sales of items to new classes of purchasers. This section applies to you if you are a wholesaler who wishes to sell to a particular class of purchaser an item (defined in section 90 (b) (8)) of imported or domestic malt beverages which you did not sell to that class of purchaser during the "base period." In that case you must determine your ceiling price for such sales as follows:

(a) Determine the items for which you have figured a ceiling price under section 31 for sales to that particular class of purchaser. Of those items select the one whose "cost of acquisition" (defined in section 90 (c) (1)) for a current customary purchase by you, would be nearest to your "cost of acquisition" for a

current customary purchase of the item for which you are calculating a ceiling price. That item is your "comparison item."

(b) Divide your ceiling price (determined under section 31) for sales of your "comparison item" to the particular class of purchaser by the "cost of acquisition" which you would incur if you made a customary purchase of that "comparison item" just before you calculate your ceiling price under this section. The resulting figure is your "markup factor" for sales of the item you are pricing to the particular class of purchaser.

(c) Multiply the "cost of acquisition" for your last customary purchase of the item you are pricing before you made your calculations under this section, by your "markup factor" (arrived at under paragraph (b)). The resulting figure is your ceiling price for all subsequent sales of that item to the particular class of purchaser and is (1) an f. o. b. price, if the ceiling price for sale of your "comparison item" to the same class of purchaser is an f. o. b. price; (2) a delivered price, if the ceiling price for sale of your "comparison item" to the same class of purchaser is a delivered price. In addition, that ceiling price may be adjusted or modified under the provisions of sections 70, 71, 76 and 78, if applicable, but you must maintain the same terms and conditions of sale and delivery as you are required by section 77 to maintain for sales of your "comparison item" to the same class of purchaser.

SEC. 33. How a wholesaler is to determine his ceiling prices for sales of items when the ceiling prices for those sales cannot be determined under any other section of this regulation. This section applies to you if you are, or intend to start in business as, a wholesaler of imported or domestic malt beverages and, for any reason, cannot determine your ceiling price for sales of an item to a particular class of purchaser under either section 31 or 32. In that case, you may apply to your OPS District Office for the establishment of a ceiling price for sales of that item to the particular class of purchaser. Your application must be in writing, signed by you or a duly authorized officer, shall state that it is filed under this section and must contain the following information:

(a) A description of the item for which you wish a ceiling price (that is, the item's brand, type, container size, container type and, if sold in returnable bottles, non-returnable bottles or cans, its case size).

(b) The class of purchaser to whom you wish to sell the item.

(c) An explanation of why you are unable to determine your ceiling price under either section 31 or section 32 for sales of the item to the particular class of purchaser.

(d) The names and addresses (if available) of the two wholesalers whom you think are selling the items that are (or will be) the most closely competitive items to the one for which you wish a ceiling price, and a description of those

items (that is, the brand, type, container size, container type and, if sold in returnable bottles, nonreturnable bottles or cans, the case size of each of the items). In addition, also state (if you can obtain the information) the ceiling prices in effect for sales of those two most closely competitive items to the same class of purchaser as that to whom you wish to sell the item for which you are making application under this section.

After your application is filed, the Office of Price Stabilization may, by amendment or order, establish a ceiling price for sales of the item to the particular class of purchaser which is in line with the level of ceiling prices otherwise established under this regulation. You may not sell the item to the particular class of purchaser until after such amendment or order is issued and becomes effective. However, if you have established a ceiling price under the General Ceiling Price Regulation (GCPR) for sale of the item to that class of purchaser, you may continue to make such sales at or below your GCPR ceiling price until the amendment or order applied for under this section is issued and takes effect. In any event you may not sell the item to the particular class of purchaser either at or below your GCPR ceiling price after February 10, 1952, unless you have by that date placed in the mail, properly addressed and completed, your application for a ceiling price under this section.

Sec. 34. Wholesalers' notification of ceiling prices. (a) If you are a wholesaler and you determine your ceiling prices under this regulation for sales of imported or domestic malt beverages, you must give to each of your purchasers (other than consumers) either at the time of, or before, your first delivery of any of your items to that purchaser after January 28, 1952, a written notice as follows:

NOTICE OF CEILING PRICES

The Office of Price Stabilization has authorized us to establish the following prices for sales to you of our malt beverages.

Item	Ceiling price
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-----	-----
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(List each item, defined in section 90 (b) (8), for which you have established a ceiling price for sale to the class of purchaser to whom your notice is given.)

Our ceiling prices include all Federal excise and (specify State or local taxes, if any, included). The Office of Price Stabilization requires you to keep this notice for examination.

(b) You need only give the above notice to a purchaser once. However, (1) if you establish a ceiling price for sale to that purchaser of an item not listed in any previous notice you gave to him under this section, or (2) if, for any reason, there is a change in the ceiling price which was listed for sale of an item to that purchaser in the last notice you gave him which covered that item, then you must give the purchaser an additional notice (listing the new ceiling price for the particular item) at or before the time you make your first deliv-

ery of the item to the purchaser at that new ceiling price.

ARTICLE IV—SELLERS WHO PRICE AS WHOLESALERS

Sec. 40. How brewers' branches are to determine their ceiling prices. This section applies to you if you are a brewer's branch (defined in section 90 (a) (2)). In that case, you are to determine your ceiling prices, for sales of malt beverages, as a wholesaler under the provisions of this regulation which apply to wholesalers. Therefore, for purposes of those provisions of this regulation which apply to wholesalers, a brewer's branch is considered a wholesaler.

Sec. 41. How an importer is to determine his ceiling prices for certain items. This section applies to you if you are an importer who sells the same item of imported malt beverages to both wholesalers and retailers (or "on-premise licensees"). In that case, you are to determine your ceiling price for sales of that item to retailers and "on-premise licensees" under the provisions of this regulation which apply to wholesalers. Therefore, for purposes of those provisions of this regulation which apply to wholesalers, you are considered a wholesaler of that item to the extent that you sell it to retailers and "on-premise licensees." (Your ceiling prices for sales of that item to any class of purchaser other than retailers and "on-premise licensees" continue, of course, to be covered by CFR 31, or whichever other regulation may become applicable to you.)

Sec. 42. How wagon vendors are to determine their ceiling prices. This section applies to you if you are a wagon vendor (defined in section 90 (a) (11)) of malt beverages. In that case you are to determine your ceiling prices, for sales of malt beverages, as a wholesaler under the provisions of this regulation which apply to wholesalers. For purposes of those provisions of this regulation which apply to wholesalers, therefore, a wagon vendor is considered a wholesaler.

ARTICLE V—RETAILERS

Sec. 50. How retailers are to determine their ceiling prices for items sold between December 19, 1950, and December 31, 1951, inclusive—(a) How to use this section. This section applies to you if you are a retailer of imported or domestic malt beverages. It tells you how to determine your ceiling prices both for case sales and individual container sales to consumers of items you sold between December 19, 1950 and December 31, 1951, inclusive. It also refers you to other provisions of this regulation which relate to those ceiling prices. In general, it is provided that your ceiling price for sales of an item to consumers is figured by adjusting your December, 1951 ceiling price to reflect changes in your "cost of acquisition" for that item. Before reading this section, therefore, you should first read section 90 (b) (8), which tells you what is meant by an "item" and section 90 (c) (1), which tells you what "cost of acquisition" is. If you did not sell the particular item to consumers between December 19, 1950

and December 31, 1951, inclusive, you must determine your ceiling price for that item under section 51, 52 or 53 of this regulation, whichever is applicable.

(b) **Determination of your ceiling prices for case sales.** If you are a retailer of an item of imported or domestic malt beverages to whom this section applies your ceiling price for sale of a case of that item to consumers is figured as follows:

(1) Determine the highest price at which you made a customary sale of a case of that item to consumers during the month of December, 1951. If you did not sell a case of that item to consumers during December, 1951, determine the price at which you made your last customary sale of a case of that item to consumers before December 1, 1951 (but you must not use the price charged for a sale made before December 19, 1950). In no event may the price you determine under this subparagraph exceed your ceiling price for the item which was established under the GCPR, as amended, nor may that price include any deposit charge for case or containers.

(2) Determine the difference between:

(i) Your base "cost of acquisition"; that is, your highest "cost of acquisition" for a customary purchase of the item during December 1951 (or, if you made no customary purchase of the item during December 1951, the "cost of acquisition" for your last customary purchase before December 1, 1951), and

(ii) Your current "cost of acquisition"; that is, the "cost of acquisition" for your last customary purchase of the item before March 24, 1952, or such earlier effective date as you select for the item.

If that difference ends in a fraction of a cent you may increase it to the next higher full cent if the fraction is one-half cent or more, but you must reduce it to the next lower full cent if the fraction is less than one-half cent. The resulting figure is your "cost change per case" for the item.

(3) Consult Column 1 of Table V (in Appendix A) for the line on which is listed the amount of your "cost change per case" for the item. Then follow that line across to the figure applicable to cases in the column which is headed with the same case size as the case size of the item you are pricing. That figure is your "adjustment factor per case" for the item you are pricing.

(4) (i) Add your "adjustment factor per case" to the price determined in subparagraph (1), if your current "cost of acquisition" is greater than your base "cost of acquisition"; but (ii) subtract your "adjustment factor per case" from the price determined in subparagraph (1), if your current "cost of acquisition" is less than your base "cost of acquisition." The resulting figure is your ceiling price for sales of a case of the particular item to consumers. That price, however, may be adjusted or modified under the provisions of sections 70, 71, 76, 77 and 78 of this regulation, if applicable. In addition, you must comply with the provisions of section 73 of this regulation, which require you to post your ceiling prices to consumers.

Example: (The steps in this example are marked with the same numbers as the above subparagraphs, which outline the method of calculation.)

(1) The highest price at which you made a customary sale to consumers of a case of 24 12-ounce returnable bottles of X Brand beer during December, 1951, was \$4.

(2) Your base "cost of acquisition" for that item was \$3. (Base "cost of acquisition" is your highest "cost of acquisition" for a customary purchase of the item during December, 1951.) Your current "cost of acquisition" is \$3.20. (Current "cost of acquisition" is your "cost of acquisition" for your last customary purchase of the item before March 24, 1952, or such earlier effective date as you select.) The difference between your base "cost of acquisition" and current "cost of acquisition" therefore, is 20 cents (\$3.20-\$3=20 cents) which is your "cost change per case" for the item.

(3) Following the line, in Column 1 of Table V (appearing in Appendix A), on which is listed "20" across to the column headed "24 containers" (the same size as that of the item you are pricing) you find that 26 cents is your "adjustment factor per case" for the item.

(4) Since your current "cost of acquisition" is greater than your base "cost of acquisition" you add your 26 cents "adjustment factor per case" to \$4 (the price determined in (1)), to arrive at \$4.26, your ceiling price for a case of 24 12-ounce returnable bottles of X Brand beer.

(c) *Determination of your ceiling prices for sales of individual containers.* If you are a retailer of an item of imported or domestic malt beverages to whom this section applies your ceiling price for sales of individual containers of that item to consumers is figured as follows:

(1) Determine the highest price at which you made a customary sale of an individual container of that item to consumers during the month of December 1951. If you did not sell individual containers of that item to consumers during December 1951, determine the price at which you made your last customary sale of an individual container of that item to consumers before December 1, 1951 (but you must not use the price charged for a sale made before December 19, 1950). In no event may the price you determine under this subparagraph exceed your ceiling price for the item which was established under the GCPR, as amended, nor may that price include any deposit charge for case or containers.

(2) Determine the difference between:

(i) Your base "cost of acquisition"; that is, your highest "cost of acquisition" for a customary purchase of the item during December 1951 (or, if you made no customary purchase of the item during December 1951, the "cost of acquisition" for your last customary purchase before December 1, 1951), and

(ii) Your current "cost of acquisition"; that is, the "cost of acquisition" for your last customary purchase of the item before March 24, 1952, or such earlier effective date as you select for the item.

If that difference ends in a fraction of a cent you may increase it to the next higher full cent if the fraction is one-half cent or more, but you must reduce it to the next lower full cent if the frac-

tion is less than one-half cent. The resulting figure is your "cost change per case" for the item.

(3) Consult Column 1 of Table V (in Appendix A) for the line on which is listed the amount of your "cost change per case" for the item. Then follow that line across to the figure applicable to individual containers in the column which is headed with the same case size as the case size of the item you are pricing. That figure is your "adjustment factor per individual container" for the item you are pricing.

(4) (i) Add your "adjustment factor per individual container" to the price determined in subparagraph (1), if your current "cost of acquisition" is greater than your base "cost of acquisition"; but (ii) subtract your "adjustment factor per individual container" from the price determined in subparagraph (1) if your current "cost of acquisition" is less than your base "cost of acquisition."

(5) Your ceiling price for sale of one individual container of the particular item is the figure arrived at in subparagraph (4), except that if that figure ends in one-half cent you may increase it to the next higher full cent. Your ceiling price for sale of more than one individual container of the item (but less than a full case of the item) is determined by multiplying the figure arrived at in subparagraph (4) by the number of containers being sold and, if the resulting price ends in one-half cent, rounding it to the next higher full cent. The ceiling price you determine (either for sales of one individual container or of more than one individual container) may be adjusted or modified under the provisions of section 70, 71, 76, 77 and 78 of this regulation, if applicable. In addition, you must comply with the provisions of section 73 of this regulation, which require you to post your ceiling prices to consumers.

Example: (The steps in this example are marked with the same numbers as the above subparagraphs, which outline the method of calculation.)

(1) The highest price at which you made a customary sale of an individual container of 24 12-ounce returnable bottles of X Brand beer during December 1951, was 18 cents.

(2) Your base "cost of acquisition" for that item was \$3. (Base "cost of acquisition" is your highest "cost of acquisition" for a customary purchase of the item during December 1951.) Your current "cost of acquisition" is \$3.05. (Current "cost of acquisition" is your "cost of acquisition" for your last customary purchase of the item before March 24, 1952, or such earlier effective date as you select.) The difference between your base "cost of acquisition" and current "cost of acquisition" is 5 cents (\$3.05-\$3=5 cents) which is your "cost change per case" for the item.

(3) Following the line, in Column 1 of Table V (appearing in Appendix A), on which is listed "5" across to the column headed "24 containers" (the same case size as that of the item you are pricing) you find that ½ cent is your "adjustment factor per individual container" for the item.

(4) Your current "cost of acquisition" is greater than your base "cost of acquisition." Therefore, you add your ½ cent "adjustment factor per individual container" to 18 cents (the price determined in (1)) and arrive at 18½ cents.

(5) Your ceiling price for sales to consumers of one 12 ounce returnable bottle of X Brand beer is determined by rounding the 18½ cent figure, arrived at in subparagraph (4), to the next higher full cent, and is 19 cents. But the ceiling price for sale of two 12-ounce returnable bottles of X Brand beer is determined by multiplying 18½ cents (the figure arrived at in subparagraph (4)) by 2 and is 37 cents (18½ cents×2=37 cents). Moreover, your ceiling price for sale of three 12-ounce returnable bottles of X Brand beer is determined by multiplying 18½ cents by 3, which gives you 55½ cents (18½ cents×3=55½ cents), and rounding that price up to 56 cents.

Sec. 51 How a retailer is to determine his ceiling prices for items not sold to consumers between December 19, 1950 and December 31, 1951, inclusive—(a)

How to use this section. This section applies to you if you are a retailer who wishes to sell to consumers an item (defined in section 90 (b) (8)) of imported or domestic malt beverages which you did not sell to consumers between December 19, 1950 and December 31, 1951, inclusive. Paragraph (b) of this section tells you how to determine your ceiling price for case sales of that item, and paragraph (c) tells you how to convert that per case ceiling price into ceiling prices for sales of individual containers. Before reading this section, however, you should first read the definition of "cost of acquisition" in section 90 (c) (1).

(b) *Determination of ceiling prices for case sales.* If you are a retailer to whom this section applies you must calculate your ceiling price for case sales of a particular item to consumers as follows:

(1) Determine the items for which you have figured a ceiling price under section 50 (b) for case sales to consumers. Of those items select the one whose "cost of acquisition" for a current customary purchase by you, would be nearest to your "cost of acquisition" for a current customary purchase of the item for which you are calculating a ceiling price. That item is your "comparison item."

(2) Divide your ceiling price per case (determined under section 50 (b)) for sales of your "comparison item" to consumers, by the "cost of acquisition" which you would incur if you made a customary purchase of that "comparison item" just before you calculate your ceiling price under this section. The resulting figure is your "markup factor" for case sales of the item you are pricing to consumers.

(3) Multiply the "cost of acquisition" for your last customary purchase of the item you are pricing before you made your calculations under this section, by your "markup factor" (arrived at under subparagraph (2)). The resulting figure is your ceiling price for all subsequent case sales of that item to consumers. That ceiling price may be adjusted or modified under the provisions of sections 70, 71, 76, and 78, if applicable, but you must maintain the same terms and conditions of sale and delivery as you are required by section 77 to maintain for case sales of your "comparison item" to consumers. In addition, you must comply with the provisions of section 73 of this regulation, which require you to post your ceiling prices to consumers.

(c) *Determination of ceiling prices for sales of individual containers.* If you are a retailer and have calculated your ceiling price under paragraph (b) for case sales of a particular item to consumers, your ceiling price for sales to consumers of individual containers of that item is figured as follows:

(1) Divide your ceiling price (determined under section 50 (b)) for case sales to consumers of the "comparison item", by the number of containers of that "comparison item" customarily packed in a case by your supplier.

(2) Determine the dollar-and-cent difference between the figure arrived at in subparagraph (1) and your ceiling price (calculated under section 50 (c)) for sales to consumers of an individual container of that "comparison item." The resulting figure is your "customary differential" for sales of individual containers of the item you are pricing.

(3) Divide your ceiling price (determined under paragraph (b)), for case sales to consumers of the item you are pricing, by the number of containers of that item customarily packed in a case by your supplier.

(4) (i) Add your "customary differential" to the figure arrived at in subparagraph (3), if your ceiling price for sale to consumers of an individual container of your "comparison item" is greater than the figure determined under subparagraph (1); but (ii) subtract your "customary differential" from the figure arrived at in subparagraph (3), if your ceiling price for sale to consumers of an individual container of your "comparison item" is less than the figure determined under subparagraph (1). If the resulting figure ends in a fraction of a cent you are to adjust it as follows:

(a) If the fraction is less than $\frac{1}{4}$ cent, you must reduce that figure to the next lower full cent;

(b) If the fraction is $\frac{1}{4}$ cent or more, but less than $\frac{1}{2}$ cent, you may increase that figure to the next higher half cent;

(c) If the fraction is $\frac{1}{2}$ cent or more, but less than $\frac{3}{4}$ cent, you must reduce that figure to the next lower half cent;

(d) If the fraction is $\frac{3}{4}$ cent or more, you may increase that figure to the next higher full cent.

(5) Your ceiling price for sale of one individual container of the particular item is the final figure arrived at in subparagraph (4), except that if that figure ends in one-half cent you may increase it to the next higher full cent. Your ceiling price for sale of more than one individual container of the item (but less than a full case of the item) is determined by multiplying the final figure arrived at in subparagraph (4) by the number of containers being sold and, if the resulting price ends in one-half cent, rounding it to the next higher full cent. The ceiling price you determine (either for sales of one individual container or of more than one individual container) may be adjusted or modified under the provisions of sections 70, 71, 76 and 78 of this regulation, if applicable, but you must maintain the same terms and conditions of sale and delivery as you are

required by section 77 to maintain for sales of your "comparison item" to consumers. In addition, you must comply with the provisions of section 73 of this regulation, which require you to post your ceiling prices to consumers.

Example: (The steps in this example are marked with the same numbers as the above subparagraphs, which outline the method of calculation.)

(1) The item for which you are determining your ceiling price is a case of 24 12-ounce returnable bottles of Y Brand beer. The "comparison item," by reference to which you determined your ceiling price (under paragraph (b)) for case sales of the item you are pricing, is a case of 24 12-ounce returnable bottles of X Brand beer. The section 50 (b) ceiling price for case sales of X Brand beer is \$3.60. Dividing that by 24 (the number of containers packed in a case of that "comparison item") gives you 15 cents ($\$3.60 \div 24 = 15$ cents).

(2) Your ceiling price (determined under section 50 (c)) for sales to consumers of an individual container of X Brand beer is 16 cents. The difference between that 16 cents and 15 cents (the figure arrived at in subparagraph (1)) is 1 cent, which is your "customary differential."

(3) Your ceiling price (determined under paragraph (b)) for sales to consumers of a case of 24 12-ounce returnable bottles of Y Brand beer is \$3.68. Dividing that by 24 (the number of containers packed in a case of that item) gives you 15.3 cents ($\$3.68 \div 24 = 15.3$ cents).

(4) Since your ceiling prices of 16 cents for sale of an individual container of your "comparison item" (X Brand beer) is greater than 15 cents, the figure determined under subparagraph (1), you add your "customary differential" of 1 cent to 15.3 cents (the figure arrived at in subparagraph (3)), which gives you 16.3 cents. 16.3 cents ends in a fraction which is more than $\frac{1}{4}$ cent (but less than $\frac{1}{2}$ cent), therefore you may increase it to 16 $\frac{1}{2}$ cents, the next higher $\frac{1}{2}$ cent.

(5) Your ceiling price for sales to consumers of one 12-ounce returnable bottle of Y Brand beer is determined by rounding the 16 $\frac{1}{2}$ cent figure, arrived at in subparagraph (4), to the next higher full cent, and is 17 cents. But the ceiling price for sale of two 12-ounce returnable bottles of Y Brand beer is determined by multiplying 16 $\frac{1}{2}$ cents (the final figure arrived at in subparagraph (4)) by 2 and is 33 cents ($16\frac{1}{2} \times 2 = 33$ cents). Moreover, your ceiling price for sale of three 12-ounce returnable bottles of Y Brand beer is determined by multiplying 16 $\frac{1}{2}$ cents by 3, which gives you 49 $\frac{1}{2}$ cents ($16\frac{1}{2} \times 3 = 49\frac{1}{2}$ cents), and rounding that price up to 50 cents.

Sec. 52 How new retailers must determine their ceiling prices—(a) *Determination of ceiling prices for all sales to consumers.* This section applies to you if you are (or intend to be) a retailer of imported or domestic malt beverages who, either because you did not sell any item (defined in section 90 (b) (8)) to consumers between December 19, 1950 and December 31, 1951, inclusive, or for any other reason, cannot determine your ceiling price under either section 50 or 51 for sales to consumers of a particular item. In that case, your ceiling prices to consumers, for case sales and individual container sales of the item you wish to sell, must be the same as the ceiling prices for sales to consumers (in cases and individual containers, respectively)

of the identical item by your most closely competitive seller. Those ceiling prices may be adjusted or modified under the provisions of sections 70, 71, 76 and 78 of this regulation, if applicable, but you must maintain the same terms and conditions of sale and delivery as your most closely competitive seller is required by section 77 to maintain for sales of that item to consumers. In addition, you must comply both with the provisions of section 73 of this regulation (which require you to post your ceiling prices to consumers), and the reporting provisions of paragraph (b) of this section. If you cannot find out the ceiling price of your most closely competitive seller for sales of the item you wish to sell, or if, for any other reason, you cannot determine your ceiling price under this section, you must apply for a ceiling price under section 53.

(b) *How you must report your ceiling prices.* You may not sell an item for which you have determined a ceiling price under paragraph (a) of this section until you have first placed in the mail, properly addressed to your OPS District Office, the report required in this paragraph. After you have placed that report in the mail you may sell at the ceiling price you have calculated (and reported) unless and until notified by the Office of Price Stabilization that your ceiling price has been disapproved or that more information is required. The report you are required to submit under this paragraph must be in writing, signed by you or a duly authorized officer, shall state that it is filed under this section and must contain the following information:

(1) A description of the item you are pricing under this section (that is, the item's brand, type, container size, container type and, if sold in returnable bottles, non-returnable bottles or cans, its case size).

(2) The name and address of your most closely competitive seller of the item, your reasons for selecting him as your most closely competitive seller, and his ceiling prices for sales of cases and individual containers of that item to consumers.

(3) If you are starting a new business, a statement as to whether you or the principal owner of your business are now or during the past 12 months have been engaged in any capacity in the same or a similar business at any other establishment, and if so, the trade name and address of each such establishment.

Sec. 53 How a retailer is to determine his ceiling prices for sales of items when the ceiling prices for those sales cannot be determined under any other section of this regulation. This section applies to you if you are (or intend to be) a retailer of imported or domestic malt beverages and, for any reason, cannot determine your ceiling price for sales to consumers of an item under either section 50, 51 or 52. In that case, you may apply to your OPS District Office for the establishment of a ceiling price for sales of that item to consumers. Your application must be in writing, signed by you

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or a duly authorized officer, shall state that it is filed under this section and must contain the following information:

(a) A description of the item for which you wish a ceiling price (that is, the item's brand, type, container size, container type and, if sold in returnable bottles, non-returnable bottles or cans, its case size).

(b) An explanation of why you are unable to determine your ceiling price under either section 50, 51 or 52 for sales of the item to consumers.

After your application is filed, the OPS may, by amendment or order, establish a ceiling price for sales of the item to consumers which is in line with the level of ceiling prices otherwise established by this regulation. You may not sell the item to consumers until after such amendment or order is issued and becomes effective. However, if you have established a ceiling price under the GCPR for sales of the item to consumers, you may continue to make such sales at or below your GCPR ceiling price until the amendment or order applied for under this section is issued and takes effect. In any event, you may not sell the item to consumers either at or below your GCPR ceiling prices after April 6, 1952, unless you have, by that date, placed in the mail, properly addressed and completed, your application for a ceiling price under this section.

ARTICLE VI—"ON-PREMISE LICENSEES"

SEC. 60 *How "on-premise licensees" are to determine their ceiling prices.* This section applies to you if you are an "on-premise licensee" selling an item of imported or domestic malt beverages for off-premise consumption. In that case you are to determine your ceiling prices, for those sales of that item which are not covered by CPR 11, as a retailer under the provisions of this regulation which apply to retailers. For purposes of those provisions of this regulation which apply to retailers, therefore, an "on-premise licensee", to the extent that his sales are not covered by CPR 11, is considered a retailer.

ARTICLE VII—GENERAL PROVISIONS

SEC. 70 *Treatment of fractional parts of a cent in figuring ceiling prices.* Unless otherwise provided in this regulation, you shall treat fractional parts of a cent as follows in determining your ceiling price:

(a) Amounts computed in the process of, or as a step in figuring a ceiling price (other than the ceiling price itself) may only be carried to four decimal places (hundredths of a cent). Any further fraction is to be disregarded and in no case, even if your computations are carried to less than four decimal places, may you round up any fraction. (Example: If you choose to carry your computations to four decimal places (the maximum permitted) and come out with the fraction .45689, you must drop the final 9 and use only .4568; you could not round up to .4569. If you wish to carry your computations to only two decimal

places, you could only use .45; you could not round up to .46.)

(b) If the ceiling price that is finally calculated includes a fractional part of a cent, you may increase that ceiling price to the next higher full cent if the fraction is one-half cent or more, but must reduce that ceiling price to the next lower full cent if the fraction is less than one-half cent. However, ceiling prices for sales to the United States or any of its agencies must be carried to four decimal places, and any further fraction is to be disregarded.

SEC. 71 *Addition of case and container charges to ceiling prices.* If you are a seller who has established a ceiling price under this regulation for sales of an item to a particular class of purchaser, you may (regardless of your prior practice) do one of the following things:

(a) Require the purchaser to pay (in addition to your ceiling price) a deposit to assure return of the containers or cases in which the item is delivered, or

(b) Add to your ceiling price an amount to cover the sale of those containers or cases to the purchaser (but only if you have an agreement with the purchaser to repurchase those containers or cases for the identical amount, if offered to you in usable condition within 6 months, or within any longer period you wish to specify, after the sale of them to that purchaser).

The amount charged or the deposit required of the purchaser for cases of containers under this section must not exceed (1) the deposit you must pay your supplier for such containers or cases, or (2) if you own the containers or cases, your lawful replacement costs for those materials, and you may not require the purchaser to pay separately for reasonable wear and tear of containers or cases, or for loss or damage to them in transit. In no event may you refuse to accept from the purchaser any cases or containers for which he was charged and which he offers to return to you in usable condition within the particular time specified (if any), nor, in such event, may you refuse to repay him the full amount of the deposit or the purchase price (paid pursuant to a repurchase agreement) that you charged him for those cases or containers under this section.

SEC. 72 *When ceiling prices go into effect for sellers in price-posting states.* If you are a seller of imported or domestic malt beverages who is required by State or local statute, ordinance, regulation, order or other official action of a State or local authority, to file, post or give notice of your price for any item, and such a requirement prevents you from placing a ceiling price determined under this regulation into effect on the date otherwise specified in this regulation, you are to place that ceiling price into effect on the next earliest date (after that specified date) permitted under the State or local law. You must, of course, file, post, or give notice of the ceiling price for the item at the first opportu-

nity provided under the State or local law after determination of that ceiling price under this regulation.

SEC. 73 *How you must post your ceiling prices to consumers.* This section applies to you if you sell imported or domestic malt beverages to consumers, and tells you how you must post your ceiling prices for sales to those consumers.

(a) *Who must post ceiling prices.* (1)

If you are a retailer who sells imported or domestic malt beverages to consumers you must, before you sell an item, post your ceiling price both for case sales and for sales of individual containers of that item, in accordance with the method set out in paragraph (b). If, however, your ceiling price for sales of two individual containers of an item is one cent less than twice your ceiling price for sale of one individual container of that item, the ceiling price you post, as your individual container ceiling price, must be your ceiling price for sales of two individual containers of that item. (For example: You are a retailer who, under section 50 (c), determined a $16\frac{1}{2}\text{¢}$ price for sale of one 12-ounce returnable bottle of X Brand beer. In accordance with that section, the $16\frac{1}{2}\text{¢}$ price was rounded to a ceiling price of 17¢ for sale of one such bottle. However, your ceiling price (under section 50 (c)) for sales of two 12-ounce returnable bottles of X Brand beer is 33¢ ($16\frac{1}{2}\text{¢} \times 2 = 33\text{¢}$). Therefore, the ceiling price you must post for individual containers of 12-ounce returnable bottles of X Brand beer is "2 for 33¢.")

(2) If you are a seller (other than a retailer) who sells imported or domestic malt beverages to consumers, you must, before you sell an item, post your ceiling price, for sale of a case of that item to consumers, in accordance with the method set out in paragraph (b).

(b) *Method of posting your ceiling prices.* You must list your ceiling prices to consumers on white paper, white cardboard, or something similar. The price list must be posted in clear view of purchasing consumers, either where the malt beverages are displayed or where the consumers make payment for the malt beverages. In all cases the list must be posted in such a manner that it can easily be read and so that the purchasing consumers can approach it within a distance of two feet. The list must contain the following information, legibly printed:

(1) The heading "OPS Ceiling Prices for Beer, Ale, etc." in letters at least one inch high.

(2) The brand and type of each item of malt beverages sold by you and your ceiling price for each of those items, in letters and numbers at least $\frac{3}{8}$ of an inch high. (Paragraph (a) of this section tells you exactly what ceiling prices you must post.) Each item of malt beverages means each brand, type, container size, container type and case size of malt beverage.

A suggested layout for a retailer's price list is as follows:

OPS CEILING PRICES FOR BEER, ALE, ETC.

Brand (list here the brand and type of each of your items)	Case and container sizes and types (list here the case and container sizes and types of each of your items)					
	Example—					
	12-ounce returnable bottle	Case of 24	32-ounce nonreturnable bottle	Case of 12	7-ounce returnable bottle	Case of 23
Henry's beer	\$0.13	\$2.90	2 for \$0.59	\$3.45		
Bruce beer	2 for \$0.27	3.00	\$0.31	3.60		
Bruce ale	\$0.14	3.24	\$0.33	3.98	\$0.11	\$3.50

A suggested layout for the price list of a seller other than a retailer is as follows:

OPS CEILING PRICES FOR BEER, ALE, ETC.

Brand (list here the brand and type of each of your items)	Ceiling prices per case to consumers (list here the case and container sizes and types of each of your items)		
	Example—		
	24 12-ounce returnable bottles	24 12-ounce cans	12 32-ounce returnable bottles
Heather ale	\$3.10	\$3.65	\$3.60
Blodgett beer	2.90	3.40	3.35

SEC. 74 Payment of brokerage. Every broker shall be considered the agent of the seller and not the agent of the buyer. In every case, therefore, the amount paid for an item by a buyer to any seller covered by this regulation, plus any amount paid by that buyer to a broker, must not exceed the ceiling price established under this regulation for sale by the seller of the item to that buyer (plus any additional charges allowed under sections 71 and 78 of this regulation). In other words, the seller may not collect from the buyer any more than his ceiling price established under this regulation for the item (plus any additional charges allowed under sections 71 and 78 of this regulation), less any amount the buyer pays the broker.

SEC. 75 Establishing minimum resale prices under State Fair Trade laws. You may, if otherwise permitted by law, establish by contract or otherwise, a minimum price for resale of an item by another person, and such minimum price may be posted or listed with a State or other public authority. In no event, however, is such minimum price to exceed the lowest ceiling price established under this regulation for resale of the item by or for any person to whom the minimum price applies.

SEC. 76 Reduction of ceiling prices for tax exempt sales to the United States or any of its agencies. Your ceiling price established under this regulation for sale of an item shall, if the item is being sold to the United States or any of its agencies, be reduced by the amount of any reduction, elimination or possible refund of any United States, State or local taxes included in figuring that ceiling price.

SEC. 77 Customary price differentials and terms and conditions of sale and delivery. Your ceiling price for an item, when determined, shall reflect your customary price differentials in effect during the base period, or other period, used

to calculate a ceiling price or markup for the item under this regulation, including discounts, allowances, premiums and extras, based upon differences in classes or location of purchasers, or in terms and conditions of sale or delivery. For example: If the selling or offering price used by you as a base period price was a delivered price, then the ceiling price you calculate for that item is also a delivered price. (You may, however, sell the item to a purchaser on an f. o. b. basis if you reduce that delivered ceiling price by the actual amount of the transportation charges, defined in section 90 (c) (9), which would be incurred to transport the item to that particular purchaser.) If your ceiling price is an f. o. b. price you may, of course, sell to a purchaser on a delivered basis provided that the amount added to the f. o. b. price does not exceed the transportation charges actually incurred by you to transport the item to the particular purchaser.

SEC. 78 Sales, excise and other similar taxes. (a) In addition to your ceiling price determined under this regulation, you may collect the amount of any sales tax, excise tax or other similar tax actually paid (or payable) by you if that tax is not already included in your ceiling price. If such a tax is imposed by a law which is not effective until after the effective date of this regulation, or if there is any increase in such a tax after the effective date of this regulation, you may collect the amount of the tax actually paid (or payable) by you (1) if not prohibited by law, and (2) if that tax is not already included in your ceiling price. However, if, after the effective date of this regulation, the amount of any such tax which is included in your ceiling price is reduced or eliminated, you must lower your ceiling price to reflect the appropriate amount of such reduction or elimination.

(b) If, on a total sale, the amount of the tax that you are permitted to add to your ceiling price under paragraph (a) of this section includes a fractional part of a cent, you may increase that amount to the next higher full cent if the fraction is one-half cent or more, but you must reduce that amount to the next lower full cent if the fraction is less than one-half cent.

SEC. 79 Prohibitions. After the effective date of this regulation, you shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically (but not in limitation of the above), you shall not, regardless of any contract or other obligation, sell or supply, and no

person in the regular course of trade or business shall buy or receive any malt beverage at a price higher than the ceiling price established for its sale, and you shall keep, make and preserve true and accurate records and reports required by this regulation. Of course, prices lower than the ceiling prices established under this regulation may be charged or paid for malt beverages. If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

SEC. 80 Evasions. (a) Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

(b) The following are specifically, but not exclusively, among the means and devices prohibited by paragraph (a) of this section and are itemized here only to lessen the frequency of interpretative inquiries which experience indicates are likely to be made in this industry under the general evasion provisions:

(1) Changes in kinds, grades and proportions of ingredients resulting in depreciation of the quality of a malt beverage other than as the result of a normal variation;

(2) The reduction or elimination of customary discounts, allowances or price differentials;

(3) Making a separate charge to a purchaser for local hauling or handling, loading or unloading, for breakage of barrels, containers or cases, for reconditioning barrels, containers or cases, or for hauling or handling empty barrels, containers or cases.

SEC. 81 Petitions for amendment. If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised (16 F. R. 4974).

SEC. 82 Modification of ceiling prices by the Director of Price Stabilization. The Director of Price Stabilization may at any time disapprove or revise ceiling prices proposed to be used or being used under this regulation so as to bring them into line with the level of ceiling prices otherwise established under this regulation.

SEC. 83 Interest on advance payments. If you directly or indirectly require a buyer to make any payment (either to you or to another person) in advance of delivery you must pay the buyer an amount equal to interest at the rate of six percent per annum on the amount of the advance payment from the date such advance payment is made to the date on which the item is delivered or the advance payment is refunded to the buyer.

The interest shall be payable on the date of delivery of the item or the date on which the advance payment is refunded. You may in no case increase your ceiling price by reason of the interest payment and the buyer shall not be required to reduce either, as the case may be, his ceiling price or his supplier's price (as an element in the calculation of his cost) by the amount of the interest on the advance payment.

SEC. 84 Adjustable pricing. Nothing in this regulation shall be construed to prohibit your making a contract or offer to sell a commodity at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, unless authorized by the Office of Price Stabilization, deliver or offer to deliver a commodity at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery. Such authorization may be given only when a request to establish a ceiling price or for a change in an applicable ceiling price is pending and only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Defense Production Act of 1950, as amended. Permission may be given by letter addressed to you, signed by the Director of Price Stabilization or by any official of the Office of Price Stabilization having authority to act on the pending request for establishment of or change in your ceiling price.

SEC. 85 Export sales. Your ceiling prices for export sales of the commodities covered by this regulation are to be determined under the provisions of the general or specific regulations (other than this regulation) of the Office of Price Stabilization, now or hereafter issued, which deal with such export sales.

SEC. 86 Transfer of business or stock in trade. If the business, assets, or stock in trade of any business are sold or otherwise transferred after the effective date of this regulation and the transferee carries on the business, or continues to deal in the same type of commodities, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation. However, if a brewer, in an establishment he purchased, intends to produce an item (defined in section 90 (b) (8)) which he is already producing in another establishment, he may (instead of using the ceiling prices of his transferor) apply, under section 23 of this regulation, for ceiling prices for sales of those units of the item he intends to produce in the establishment he purchased.

SEC. 87 Sales slips and receipts. If you have customarily given a purchaser a sales slip, receipt, or similar evidence of purchase you shall continue to do so. Upon request from a purchaser you shall, regardless of previous custom, give the purchaser a receipt showing the date, your name and address, the name of each commodity sold, and the price received for it.

SEC. 88 Records. This section tells you what records you must preserve and what additional records you must prepare.

(a) *Base period records.* (1) If you are required, under this regulation, to adopt as your ceiling prices the prices you had in effect in a prescribed prior period (base period) or to use those base period prices in the calculation of your ceiling prices, you must preserve and keep available for examination by the Director of Price Stabilization, for as long as the Defense Production Act of 1950, as amended, is in effect and for two years thereafter, those records in your possession showing the prices in effect for the commodities which you delivered or offered to deliver during the base period.

(2) Within 30 days after the effective date of this regulation, you must also prepare and preserve a price list showing each commodity delivered or offered for delivery by you during the base period referred to in subparagraph (1) of this paragraph and the prices in effect for those commodities in the base period. Such list may refer to an attached price list or catalog.

(3) You must also prepare and preserve a statement of your customary price differentials for different terms and conditions of sale and classes of purchasers which you had in effect during the base period.

(b) *Current records.* (1) Every person who sells malt beverages other than to consumers, and every person who in the regular course of trade or business buys malt beverages, shall make and keep for inspection by the Director of Price Stabilization for a period of two years accurate records of each sale or purchase made after the effective date of this regulation. The records must show the date of sale or purchase, the name and address of the seller and purchaser, and the prices charged or paid, itemized by brand, type, container size, container type and (if the type of container is a returnable bottle, non-returnable bottle or can) case size. Records must also show all premiums, discounts and allowances. Every person who sells malt beverages to consumers shall keep records of the same kind as those customarily kept by him, relating to the prices which he charged for such of those commodities he sold or offered for sale after the date on which ceiling prices under this regulation became effective.

(2) Every seller shall keep for inspection by the Director of Price Stabilization for a period of two years:

(i) All bills, invoices, receipts and records employed to determine any cost which is used for the purpose of calcu-

lating or applying a markup factor under this regulation.

(ii) His computations, showing as precisely as possible, the methods and figures used to determine his ceiling prices under this regulation.

(c) All records required to be preserved under this regulation may, 90 days after the date of the transaction to which they relate, be transferred to and preserved thereafter on microfilm.

SEC. 89 Interpretations. If you have any doubt as to the meaning of this regulation, you should write to the District Counsel of the proper OPS District Office for an interpretation. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised (16 F. R. 4974).

SEC. 90 Definitions—(a) Definitions of persons to whom this regulation refers—(1) Brewer. "Brewer" means the person who is the manufacturer of a domestic malt beverage being priced. For purposes of this regulation, however, each separately established and operated brewery is regarded as a different "brewer."

(2) *Brewer's branch.* "Brewer's branch" means a separately established and operated branch of a brewer which is not physically attached to the brewery, but which is controlled and managed by the brewer and engaged in the distribution of the item being priced.

(3) *Broker.* "Broker" means a person acting as an intermediary between a seller and a purchaser. It includes, but is not restricted to, a "finder," "buyer's agent," and "seller's agent."

(4) *Class of purchaser or purchaser of same class.* "Class of purchaser" or "purchaser of same class" refers to a seller's practice in setting different prices for sales to different purchasers or kinds of purchasers, or for purchasers located in different areas, or for different quantities or container sizes or under different conditions of sale.

(5) *Consumer.* "Consumer" means any person purchasing malt beverages for consumption and not for resale.

(6) *Importer.* An "importer" of an item is the person who (i) orders the imported item from a foreign shipper, (ii) is responsible for payment to the foreign shipper, (iii) actually pays the foreign shipper (or on behalf of whom payment is made to the foreign shipper) and (iv) holds an importer's permit issued under the provisions of the Federal Alcohol Administration Act. For purposes of this definition, one who ships an item from Puerto Rico and the Virgin Islands (belonging to the United States) is a foreign shipper of that item.

(7) *Most closely competitive seller.* Your "most closely competitive seller" is the seller with whom you are in most direct competition even though he may perform a different function with respect to the item. (For example: if you are a retailer, your most closely competitive seller may be a wholesaler; or, if you are a wholesaler, your most closely

competitive seller may be a brewer or a brewer's branch.) You are in direct competition with another seller who sells the same item to the same class of purchaser in similar quantities, on similar terms and who supplies approximately the same amount of service.

(8) *OPS*. "OPS" means the Office of Price Stabilization.

(9) *Your OPS District Office*. This means the OPS District Office for the district in which your principal place of business is located.

(10) *On-premise licensee*. "On-premise licensee" means a person licensed by statute, ordinance or regulation, or otherwise legally authorized to sell malt beverages for consumption on the licensed premises. For the sales subject to this regulation made by an "on-premise licensee", he shall be deemed a retailer.

(11) *Person*. This term includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other Government or their political subdivisions or agencies.

(12) *Retailer*. "Retailer" means a person licensed as a retailer under applicable laws, statutes, or regulations and engaged in the business of buying and selling malt beverages, without changing the form thereof, primarily to consumers. Each separately established and maintained selling outlet of a retailer is to determine its ceiling price as a separate retailer under this regulation. However, a wagon vendor who is engaged primarily in selling malt beverages directly to consumers, is not to be considered a retailer even though he may hold a retailer's license, and an importer of an item is not also to be considered a retailer of that item. A sale to an "on-premise licensee" shall be deemed a sale to a retailer.

(13) *Wagon vendor*. A "wagon vendor" means a person who obtains his entire supply of one or more items of domestic malt beverages from brewers and wholesalers and sells those items in case lots primarily to consumers from a vehicle owned or operated by him or his employees.

(14) *Wholesaler*. "Wholesaler" means a person licensed as a wholesaler under applicable laws, statutes, or regulations and engaged in the business of buying and selling malt beverages, without changing the form thereof, primarily to persons other than consumers, but who when licensed and permitted by applicable State or local statute or ordinance to do so, may also sell such malt beverages to consumers. Each separately established and maintained selling outlet of a wholesaler is to determine its ceiling prices as a separate wholesaler under this regulation. Finally, an importer of an item is not also to be considered a wholesaler of that item.

(15) *You*. "You" means the person subject to this regulation. "Your" and "yours" are construed accordingly.

(b) *Definitions of commodities and terms describing and identifying commodities*—(1) *Barrel*. "Barrel" means a container for malt beverages having a

capacity of 31 U. S. standard gallons of 128 fluid ounces. Fractions of a barrel, referred to in this regulation, are fractions of a barrel as so defined.

(2) *Brand*. "Brand" means the distinctive name of a malt beverage as shown on its label. It also includes other words, lettering, or figures used on that label in association with the name for the primary purpose of giving the malt beverage a distinctive identity in the mind of a consumer.

(3) *Case and case size*. "Case" means a carton or box used for shipping or delivery of malt beverages in bottles or cans. "Case size" means the particular number of bottles (returnable or non-returnable) or cans in a case.

(4) *Container size*. "Container size" means the particular weight or unit capacity of the individual container in which the malt beverage is sold.

(5) *Container type*. "Container type" means any one of the following types of containers in which the malt beverage is sold: returnable bottles, non-returnable bottles, cans, barrels (or fractions of barrels).

(6) *Domestic*. A "domestic" item is one that is produced in the 48 states of the United States or the District of Columbia.

(7) *Imported*. An "imported" item is one that is produced outside of (and introduced into) the 48 states of the United States or the District of Columbia.

(8) *Item*. An "item" is a particular brand, type, container size, container type and (if the type of container is a returnable bottle, non-returnable bottle or can) case size of imported or domestic malt beverage. (The terms "brand", "type", "container size", "container type" and "case size" are all defined in this section.)

(9) *Malt beverages*. "Malt beverages" means any beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human consumption.

(10) *Type*. "Type", with reference to a malt beverage, means the class of malt beverage as recognized under the provisions of Regulations No. 7, as amended, issued under the Federal Alcohol Administration Act, as amended. However, in determining "type" under this regulation, class subdivisions under Regulations No. 7 must be disregarded.

(c) *General definitions*—(1) *Cost of acquisition*. "Cost of acquisition" means the total of:

(i) The gross invoice price charged per item by your supplier (so long as that gross invoice price does not exceed the supplier's ceiling price). You must not deduct from that gross invoice price any discounts or allowances you took or could have taken, but you must deduct (a) all United States, State and local taxes (other than excise taxes), fees and

charges included in that invoice price, and (b) all charges, included in that invoice price, which may be recovered upon return to the supplier of the containers and case in which the item was shipped.

(ii) All transportation charges (as defined in subparagraph (9) of this paragraph) applicable to the particular item and actually incurred (or incurable) by you to transport the item from the supplier's customary shipping point to your customary receiving point, to the extent that those charges are not already included in the invoice price.

(iii) All transportation charges (as defined in subparagraph (9) of this paragraph), at rates in effect at the time of the particular purchase, that (under the arrangement you have with your supplier) must be incurred by you (in addition to the invoice price) to return to that supplier the empty case and containers in which the item is packed.

(iv) All United States, State and local excise taxes and United States customs duties applicable to the particular item and actually incurred (or incurable) by you, to the extent that those taxes and duties are not already included in the invoice price.

(v) In the case of an imported item, the costs actually incurred (or incurable) by you to withdraw that item from customs custody, to the extent that those costs are not already included in the invoice price.

(2) *Customary purchase*. A "customary purchase" means a purchase of the same type as was customary for you in quantity, type of supplier, receiving point and means of transportation during the "relevant period." For purposes of this definition, the "relevant period" is the base period (or a reasonable length of time surrounding any other period or day) specified in this regulation either (i) for your selection of a dollar-and-cent price to be used (either as is, or after adjustment) as your ceiling price for the particular item, or (ii) as the basis for some other means of figuring your ceiling price for the particular item.

(3) *Customary receiving point*. "Customary receiving point" means the place where the purchaser normally receives delivery of the item from the particular type of supplier. With respect to deliveries made by motor vehicle, "customary receiving point" means the purchaser's premises; with respect to delivery made by rail, "customary receiving point" means the railroad siding nearest to the purchaser's premises.

(4) *Customary shipping point*. "Customary shipping point" means the place from which the seller normally makes shipment of the item to purchasers in a particular area. With respect to shipment made by motor vehicle, "customary shipping point" means the seller's premises; with respect to shipment made by rail, "customary shipping point" means the railroad siding nearest to the seller's premises.

(5) *Price*. "Price" means the consideration requested or received in connection with the sale of a malt beverage.

RULES AND REGULATIONS

APPENDIX A

TABLE V—RETAILER'S ADJUSTMENT FACTORS FOR CASE SALES AND FOR SALES OF INDIVIDUAL CONTAINERS OF IMPORTED AND DOMESTIC MALT BEVERAGES

[In cents]

Cost change per case	Case sizes							
	12 containers		24 containers		36 containers		48 containers	
	Individual container	Case	Individual container	Case	Individual container	Case	Individual container	Case
1.		1		1		1		1
2.		2		2		2		2
3.		3		3		3		3
4.		4		4		4		4
5.		5		5		5		5
6.		6		6		6		6
7.		7		7		7		7
8.		8		8		8		8
9.		9		9		9		9
10.		10		10		10		10
11.		11		11		11		11
12.		12		12		12		12
13.		13		13		13		13
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69.		69		69		69		69
70.		70		70		70		70
71.		71		71		71		71
72.		72		72		72		72
73.		73		73		73		73
74.		74		74		74		74
75.		75		75		75		75

[F. R. Doc. 52-641; Filed, Jan. 14, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Amdt. 1 to Supplementary Regulation 63]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

ADJUSTMENTS OF CEILING PRICES OF FLUID MILK PRODUCTS SOLD BY OPERATORS OF RETAIL STORES: AMENDMENTS OF AREA MILK PRICE REGULATIONS

Pursuant to the Defense Production Act of 1950, as amended, (Pub. Law 774,

81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation 63 of the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment is designed to bring operators of retail stores under the cov-

(6) *Records.* The term "records" mean written evidence of transactions, including books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, a copy of any application or report to the OPS, and other papers and documents necessary to determine prices charged, offered or paid and the method used to determine them.

(7) *Sale.* "Sale" includes transfer of title, disposition, exchange, barter, delivery, lease and other transfers, and contracts or offers to do any of these things. The terms "sell", "seller", "buy", "buyer", "purchase" and "purchaser" shall be construed accordingly.

(8) *"Special deal."* A "special deal" means a reduction in the price of an item (as a sales promotion or similar device) from the price last in effect prior to the day the "special deal" started. The reduction must not have been in effect for a period of time exceeding 123 days. (It, of course, makes no difference if the reduction continued in effect after the "base period" so long as it was not in effect for more than 123 days.) Offers of free goods, combination sales, increased quantities and additional discounts may (but need not necessarily) be considered "special deals."

(9) *Transportation charges.* "Transportation charges," except as otherwise expressly provided, means the lawful charges for the movement of the article by the most direct route from the seller's customary shipping point (as defined in subparagraph (4) of this paragraph) to the purchaser's customary receiving point (as defined in subparagraph (3) of this paragraph), or between any other specified points, at the rate charged by the cheapest available common or contract carrier customarily used. The term includes any applicable Federal tax on transportation now or hereafter imposed. If a seller makes a delivery by use of his own vehicle, such charges shall be figured at the rate for transportation over the same distance by the cheapest available common or contract carrier customarily used, exclusive of Federal tax on transportation. No amounts may be added for refrigerating or heating of cars or vehicles used in the transportation of the article. No amount may be added for local hauling, drayage and handling.

Sec. 100 When this regulation becomes effective. The effective date of this regulation for all sellers covered by this regulation, except retailers and "on-premise licensees" is January 28, 1952. The effective date of this regulation for retailers and "on-premise licensees" is March 24, 1952. However, you may, if you are a retailer or "on-premise licensee", select any earlier effective date between January 28, 1952 and March 24, 1952 for any or all of your items priced under this regulation.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

JANUARY 14, 1952.

erage of Supplementary Regulation 63 to the General Ceiling Price Regulation. It completes the pattern established when SR 63 was first issued so that area milk price regulations may cover all sellers of fluid milk products in a particular marketing area. SR 63 did not originally embrace retail stores because the pricing standards applicable to retail stores are different from those applicable to other sellers of fluid milk products.

To continue this omission would result in the disruption of normal market patterns since the operator of retail stores constitutes an important element in the flow of milk from the plant to the ultimate consumer. SR 63 requires ceiling prices of other sellers of fluid milk products to fluctuate upward and downward as their cost of milk or milk products varies. Section 11 of the GCPR, on the other hand, permits increases in ceiling prices of the retail storekeeper to reflect increased costs of fluid milk products, but does not require decreases in ceiling prices as the cost to the retail storekeeper decreases. In the spring and summer months when the cost of milk normally is at its low ebb, ceiling prices of home-delivered milk governed by an area milk price regulation will decrease but the ceiling prices of the retail store, in the absence of this amendment, will remain the same, thus resulting in an abnormal relationship between the ceiling prices of milk in a community.

The standard employed in the regulation is to preserve for the operators of retail stores the same dollar-and-cent margin which existed immediately prior to the date of issuance of the area milk price regulation or amendment thereof fixing ceiling prices of retail stores. The markup can therefore be computed on the basis of current data. Since dollar-and-cent markups for milk sold in retail stores have remained relatively stable since Korea, the practical effect is to fix retail prices on a basis of the pre-Korea dollar-and-cent markup. The amendment authorizes computation of the markup either on an individual store basis or according to groups of stores by items or groups of items.

A study of the margins of operators of retail stores reveals that in the fluid milk field it has been the customary practice of the retail store to employ a relatively fixed dollar-and-cent markup over cost of approximately 2 to 2½ cents per quart. Milk has been carried by retail stores at this low fixed markup as a staple service item. Over a number of years, while the price of milk at wholesale has increased substantially, the retail dollar-and-cent margin has remained approximately the same. The data indicate that retail stores with high milk costs have approximately the same dollar-and-cent margins as those with low milk costs. This regulation, therefore, follows the customary pricing practice of retail stores by giving to retailers their pre-Korea dollar-and-cent margins. Because the dollar-and-cent markup generally is in the neighborhood of 2 to 2½ cents per quart, there is no substantial difference between a dollar-and-cent and a percentage markup when

applied to the relatively small increase in cost of milk to retailers since Korea. Moreover, because it provides normal pre-Korea margins, it is generally fair and equitable. It, therefore, satisfies the applicable provisions of the Defense Production Act of 1950, as amended.

Supplementary Regulation 63 is also amended so as to eliminate any doubts as to the power of a Regional or District Director to amend or revoke an area milk price regulation.

In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

AMENDATORY PROVISIONS

Supplementary Regulation 63 to the General Ceiling Price Regulation is hereby amended in the following respects:

1. The first sentence of section 3 is amended to read as follows: "This supplementary regulation covers sales of milk products by processors, distributors, operators of retail stores, and operators of receiving plants."

2. The third sentence of section 3 is amended to read as follows: "A person may be a processor of some items or some quantities of an item of a milk product and a distributor or operator of a retail store as to other items or quantities of an item."

3. Section 6 is amended by the addition, at the end thereof, of a new paragraph to read as follows:

(d) The margin of operators of retail stores shall be the dollar-and-cent difference between their ceiling prices and their net costs of acquisition immediately prior to the effective date of the area milk price regulation or amendment thereof fixing ceiling prices for retail stores.

4. Section 7 (a) is amended by the addition, at the end thereof, of a new sentence to read as follows: "In any such regulation the Office of Price Stabilization, on its own initiative, may fix ceiling prices for operators of retail stores, except that packaged cottage, pot, and baker's cheese shall continue to be subject to Ceiling Price Regulations 15 and 16."

5. Section 7 (c) is amended so as to reword the phrase "processors and distributors" in the second sentence to read, "processors, distributors, and operators of retail stores."

6. Section 7 (c) is further amended by the addition, immediately after the second sentence, of the following: "In fixing ceiling prices for milk sold by retail stores, the regulation may fix or may provide for the computation of the appro-

priate dollar-and-cent markup by each individual store by items or groups of items or it may fix uniform markups by appropriate groups of stores by items or groups of items."

7. Section 8 (a) (2) is amended to read as follows:

(2) *Distributors and operators of retail stores.* This subparagraph applies to you only if (i) you are a distributor of an item of a milk product or an operator of a retail store who sells an item of a milk product, (ii) the cost to you of a current customary purchase of the item differs from the highest ceiling price, applicable to sales to you from a customary source of supply, specified in an area milk price regulation, and (iii) the change in the cost to you is due to the operation of the provisions in section 8 (a) (1). In such case, on the first day following the effective change in your cost, you may increase, and you must decrease, your ceiling prices established in the area milk price regulation by the dollars-and-cents difference per item in these costs.

8. Section 14 is amended by the addition, at the end thereof, of the following: "Any petition for amendment of an area milk price regulation shall be filed with the District or Regional Office of the Office of Price Stabilization which issued the original regulation, in accordance with the provisions of Price Procedural Regulation I, Revised. Each District and Regional Director shall possess the same powers in amending a regulation that he had in issuing a regulation. He may also revoke any regulation which he previously issued."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154)

Effective date. This Amendment 1 to Supplementary Regulation 63 to the General Ceiling Price Regulation is effective January 14, 1952.

MICHAEL V. DeSALLE,
Director of Price Stabilization.

JANUARY 14, 1952.

[P. R. Doc. 52-636; Filed, Jan. 14, 1952; 11:43 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-47B, Amdt. 1 of January 14, 1952]

M-47B—USE OF CONTROLLED MATERIALS IN CERTAIN CONSUMER DURABLE GOODS

This amendment to NPA Order M-47B is found necessary and appropriate to promote the national defense and is issued pursuant to section 101 of the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the order affects many different trades and industries.

This amendment adds new paragraphs (c) and (d) to section 4, deletes the

RULES AND REGULATIONS

present Schedule I, and substitutes a revised Schedule I therefor.

NPA Order M-47B of September 28, 1951, is hereby amended as follows:

1. A new paragraph (c) is added to section 4, providing as follows:

(c) Paragraph (a) of this section shall not apply to any allotment specifically made for the production of repair or replacement parts.

2. A new paragraph (d) is added to section 4, providing as follows:

(d) No person who receives an allotment for the production of one or more specified products in a product class code listed in Schedule I of this order shall use such allotment for the production of any product listed in a different group in such schedule, whether or not such other product is one included under the same product class code.

3. Schedule I of the order is hereby deleted and a new Schedule I which appears following the signature is substituted therefor.

(Sec. 704, 64 Stat. 816, Pub. Law 96; 50 U. S. C. App. Sup. 2154)

NPA Order M-47B as so amended shall take effect January 15, 1952.

Issued January 14, 1952.

NATIONAL PRODUCTION
AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

SCHEDULE I OF NPA ORDER M-47B

NOTE: Listings are in accordance with the official CMP Class B Product List of September 1, 1951.

Product class code	GROUP I Product
2511	Wood household furniture, except upholstered.
2512	Wood household furniture, upholstered.
2514	Metal household furniture.
2522	Metal office furniture.
25310	Public building furniture, except school seats and desks.
25412	Cases, cabinets, counters, and other fixtures.
25910	Restaurant furniture.
3429691	Specialized hardware, except fireplace equipment and animal traps.
3988	Morticians' goods.
39970	Soda fountain and beer dispensing equipment.
GROUP II	
34395	Domestic heating stoves and space heaters.
34396	Domestic cooking stoves, ranges, and cooking appliances, except electric.
35811	Household mechanical washing machines.
35812	Household laundry equipment, n. e. c.
3583091	Sewing machines, household.
35841	Vacuum cleaners, household.
35851	Household mechanical refrigerators.
35852	Home and farm freezers.
3589292	Household machines, n. e. c., except carpet sweepers.
36211	Electric fans, except industrial type.
3621391	Small household electric appliances, except fans.
36214	Household ranges, electric.

Product class code	GROUP III Product
2392091	Mops and dusters, household, metal containing.
3411492	Tinware, except cans, cooking, and kitchen utensils.
34211	Cutlery, scissors, shears, trimmers, and snips.
34212	Safety razors and blades.
34293	Vacuum bottles and jugs, except jugs and vacuum bottles 1 quart and larger.
34611	Vitreous enameled cooking and kitchen utensils.
34633	Pails, ash and garbage cans, metal stamping.
34639	Stamped and spun cooking and kitchen utensils, except commercial aluminum and stainless steel cooking utensils.
34716	Nonelectric lighting equipment, civilian type.
3522092	Lawn mowers.
37511	Motorcycles, bicycles, and parts.
39140	Silverware and plated ware, except holloware.
39390	Musical instruments and parts, except pianos and organs.
39410	Games and toys, except dolls and children's vehicles. Following products only: Airplanes, toy, model construction. Construction sets, toy, model. Model sets, toy, construction. Ships, toy, model construction. Trams, toy, model construction.
39430	Baby carriages, walkers, strollers, tenders, etc. Following products only: Baby carriages. Baby walkers. Strollers, baby.
39490	Sporting and athletic goods. Following products only: Fishing tackle, n. e. c. Reels, fishing. Rods, fishing, metal. Rods, fishing, except metal. Snelled hooks, fishing. Bait, artificial, fishing. Files, fishing. Leaders, fishing.
39510	Pens, mechanical pencils, and pen points.
3993092	Signs and advertising novelties, except paper. Following products only: Markers, highway, nonelectric, metal, except porcelain enameled. Signs, highway, porcelain enameled, nonelectric. Signs, road, nonelectric, metal, porcelain enameled. Signs, road, porcelain enameled, nonelectric. Signs, street, porcelain enameled, nonelectric. Signs, street, nonelectric, metal, except porcelain enameled.
39994	Miscellaneous fabricated products, n. e. c., except etched products, cigar and cigarette lighters, squeegies, Christmas decorations, and fabricated products, n. e. c.
GROUP IV	
23940	Canvas products.
24930	Frames for mirrors and pictures.
25130	Reed and rattan furniture.
25620	Window shades and accessories.
2563	Venetian blinds.
34293	Vacuum bottles and jugs, except vacuum bottles under 1 quart capacity.

Product class code	GROUP IV—continued Product
3429691	Specialized hardware, except casket hardware and casket shell hardware.
3463792	Stamped or pressed metal and products, n. e. c., except metal ice cube trays.
34712	Incandescent portable lamps.
3471591	Fluorescent portable lamps.
3489695	Wire products, n. e. c.
3499292	Fabricated metal products, n. e. c.
3589292	Household machines, n. e. c., carpet sweepers only.
3699392	Electrical products, n. e. c.
39110	Jewelry, made of precious metal. ¹
39120	Jewelers' findings and materials. ¹
39140	Silverware and plated ware, holloware only.
39310	Pianos.
39320	Organs.
39330	Piano and organ parts and materials.
39410	Games and toys, except dolls and children's vehicles. All products not listed in Group III of this schedule.
39420	Dolls and stuffed toy animals.
39430	Baby carriages, walkers, strollers, tenders, etc. All products not listed in Group III of this schedule.
39490	Sporting and athletic goods. All products not listed in Group III of this schedule.
39520	Lead pencils.
39610	Costume jewelry and novelties, except precious metal. ¹
39630	Metal buttons and parts, civilian-type.
3964092	Household needles, pins, and similar notions, civilian-type.
39860	Jewelry cases and instrument cases. ¹
3993092	Signs and advertising novelties, except paper. All products not listed in Group III of this schedule.
39950	Umbrellas, parasols, and canes.
39960	Tobacco pipes and cigarette holders.
39994	Miscellaneous fabricated products, n. e. c. Except etched products and all products included in Group III of this schedule.
8921	Religious goods, n. e. c.

[F. R. Doc. 52-626; Filed, Jan. 14, 1952; 11:01 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 8 to Schedule A]

[Rent Regulation 2, Amdt. 6 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE RENTAL AREAS

TEXAS

Amendment 8 to Schedule A of Rent Regulation 1—Housing and Amendment 6 to Schedule A of Rent Regulation 2—Rooms in Rooming Houses and Other Establishments. Said regulations are amended in the following respect:

In Schedule A, new item 333 is added as follows:

¹ See section 5 (a) of NPA Order M-47B.

These amendments are issued as a result of superseding joint certifications pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947, as amended, and a superseding amendment to a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. O. App. Sup. 1894)

These amendments shall be effective January 15, 1952.

Issued this 10th day of January 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

[F. R. Doc. 52-508; Filed, Jan. 14, 1952; 8:49 a. m.]

[Rent Regulation 3, Amdt. 27 to Schedule A]

RR 3—HOTELS

SCHEDULE A—DEFENSE RENTAL AREAS

TEXAS

Amendment 27 to Schedule A of Rent Regulation 3—Hotels. Said regulation is amended in the following respect:
New item 333 is hereby added to Schedule A as follows:

Name of defense-rental area	State	County or counties in defense-rental area under Rent Regulation 3	Maximum rent date	Effective date of regulation
(333) Wichita Falls.....	Texas.....	Wichita.....	Sept. 1, 1950	Jan. 14, 1952

This amendment is issued as a result of a joint certification pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. O. App. Sup. 1894)

This amendment shall be effective January 14, 1952.

Issued this 10th day of January 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

[F. R. Doc. 52-509; Filed, Jan. 14, 1952; 8:49 a. m.]

[Rent Regulation 3, Amdt. 28 to Schedule A]

RR 3—HOTELS

SCHEDULE A—DEFENSE RENTAL AREAS

GEORGIA, KENTUCKY, ILLINOIS AND TEXAS

Amendment 28 to Schedule A of Rent Regulation 3—Hotels. Said regulation is amended in the following respect:

State and name of defense-rental area	Class	County or counties in defense-rental areas under regulation	Maximum rent date	Effective date of regulation
Texas (333) Wichita Falls.....	A	Wichita.....	Sept. 1, 1950	Jan. 14, 1952

These amendments are issued as a result of a joint certification pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. O. App. Sup. 1894)

These amendments shall be effective January 14, 1952.

Issued this 10th day of January 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

[F. R. Doc. 52-510; Filed, Jan. 14, 1952; 8:49 a. m.]

[Rent Regulation 1, Amdt. 9 to Schedule A]

[Rent Regulation 2, Amdt. 7 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE RENTAL AREAS

GEORGIA, KENTUCKY, ILLINOIS AND TEXAS

Amendment 9 to Schedule A of Rent Regulation 1—Housing and Amendment 7 to Schedule A of Rent Regulation 2—Rooms in Rooming Houses and Other Establishments. Said regulations are amended in the following respect:
In Schedule A, items 80, 127 and 324 are amended to read as follows:

State and name of defense-rental area	Class	County or counties in defense-rental areas under regulation	Maximum rent date	Effective date of regulation
Georgia (80) Valdosta.....	A	Lovetts.....	Apr. 1, 1951	Sept. 27, 1951
Kentucky (127) Paducah.....	A	Lapier.....do.....	Jan. 15, 1952
	B	McCracken.....	Mar. 1, 1942	Nov. 1, 1942
	A	Ballard.....	Jan. 1, 1951	Oct. 17, 1951
	A	Massac County, Ill., and in Jackson County, Ill., the township of Vienna, including the city of Vienna.....do.....	Do.
	A	In Graves County, magisterial districts 6, 7, and 8.....do.....	Jan. 15, 1952
Texas (324) Mount Pleasant-Dalhartfield.....	A	Camp County; in Cass County, precincts 1, 2, and 8; in Marion County, precincts 1, 2, and 6; Morris County; and in Tiftus County, precincts 1, 4, 5, 6, and 7.....	Apr. 1, 1951	Nov. 20, 1951
	A	In Marion County, precinct 3.....do.....	Jan. 15, 1952

In Schedule A, items 80, 127 and 324 are amended to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under Rent Regulation 8	Maximum rent date	Effective date of regulation
(80) Valdosta	Georgia	Lowndes	Apr. 1, 1951	Sept. 27, 1951
	do	Laurens	do	Jan. 15, 1952
(127) Paducah	Kentucky	Ballard and McCracken	Jan. 1, 1951	Oct. 17, 1951
	Illinois	Massac County; and in Johnson County, the township of Vienna, including the city of Vienna.	do	Do.
	Kentucky	In Graves County, magisterial districts 5, 6, 7, and 8.	do	Jan. 15, 1952
(324) Mount Pleasant-Daingerfield	Texas	Camp County; in Cass County, precincts 1, 2, and 8; in Marion County, precincts 1, 2, and 6; Morris County; and in Titus County, precincts 1, 4, 5, 6, and 7.	Apr. 1, 1951	Nov. 28, 1951
	do	In Marion County, precinct 3.	do	Jan. 15, 1952

This amendment is issued as a result of superseding joint certifications pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947, as amended, and a superseding amendment to a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective January 15, 1952.

Issued this 10th day of January 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

[F. R. Doc. 52-507; Filed, Jan. 14, 1952;
8:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

ATLANTIC OCEAN OFF DELAWARE COAST

Pursuant to the provisions of Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.25 (b) is hereby amended as follows to prescribe the periods of use of Army antiaircraft artillery firing areas in the Atlantic Ocean off the Delaware coast beginning with 1952, effective on and after publication of this amendment in the FEDERAL REGISTER due to the urgent necessity for commencing operations in 1952 at the earliest possible time, as follows:

§ 204.25 *Atlantic Ocean off Delaware coast; antiaircraft artillery firing areas, Second Army.* * * *

(b) *The regulations.* (1) All firing during the months of November to April, inclusive, will be conducted between 8:00 a. m. and 6:30 p. m., e. s. t. All firing during the months May to October, inclusive, will be conducted between 12:00 m. and 6:00 p. m., e. s. t. Such firings as are conducted prior to 12:00 m. during this latter period will be occasional individual rounds fired at fixed points for testing purposes in accordance with established Department of the Army Safety Regulations, and will involve no restrictions on navigation. No firing will be conducted during hours of darkness.

(2) Firing in the various areas will take place on certain days other than

Saturdays, Sundays, and national holidays, as listed in public notices to be issued about January 1 of each year by the District Engineer, Corps of Engineers, Philadelphia, Pennsylvania.

NOTE: Firing in the various areas is scheduled to take place on the following days in 1952 (all dates inclusive):

January 7-11, 14-18, 21-25, and 28-31;
February 1, 4-8, 11-15, 18-21, and 25-29;
March 3-7, 10-14, 17-21, 24-28, and 31;
April 1-4, 7-11, 14-18, 21-25, and 28-30;
May 1-2, 5-9, 12-16, 19-23, and 26-29;
July 1-3, 7-11, 14-18, 21-25, and 28-31;
August 1, 4-8, 11-15, 18-22, and 25-29;
October 1-3, 6-10, 13-17, 20-24, and 27-31;
November 3-7, 10, 12-14, 17-21, and 24-26;
December 1-5, 8-12, and 15-19.

(3) When it is determined that no firing will take place on any of the days for which firing is scheduled, the public will be so advised by radio and other practicable means as far in advance as possible.

(4) Except as provided in subparagraph (6) of this paragraph, no vessel shall enter or remain in the danger zones during the time of firing unless specific permission is granted in each case by one of the representatives of the enforcing agency policing the area in patrol boats.

(5) Prior to the conducting of each firing practice, the danger zones will be adequately patrolled to insure that no watercraft are within the danger zones and to warn any watercraft in a danger zone that firing practice is to take place. Any such watercraft shall, upon being so warned, immediately leave the area designated and shall remain outside the area until the conclusion of the firing practice.

(6) The regulations in this section shall not deny traverse of portions of the danger zones by regular cargo-carrying vessels, or commercial fishing vessels based at Lewes, Delaware. In case of the presence of any such vessel in a danger zone, the officer in charge of firing operations will cause the cessation or postponement of fire until the vessel has cleared the area. The vessel shall proceed on its normal course and shall not delay its progress.

(7) This section shall be enforced by the Commanding General, Second Army, Fort George G. Meade, Maryland, and such agencies as he may designate.

[Regs. Jan. 11, 1952, 800.2121-ENGWO] (Secs. 1-4, 40 Stat. 892; 33 U. S. C. 3)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-599; Filed, Jan. 14, 1952;
9:58 a. m.]

PART 207—NAVIGATION REGULATIONS

LAKE TAHOE, CALIF.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.642 establishing three restricted areas adjacent to public beaches along the south shore of Lake Tahoe, California, is hereby prescribed to eliminate the hazards created by the use of these areas by power and sail boats, as follows:

§ 207.642 *Lake Tahoe, Calif.; restricted areas along south shore*—(a) *The areas*—(1) *Baldwin Beach, under the control of the Forest Service, Department of Agriculture.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the intersection of the high water line with the west boundary line of Lot 2, Section 26, Township 13 North (Mount Diablo Base Line), Range 17 East (Mount Diablo Meridian); thence north 300 feet; thence southeasterly about 2,850 feet to the east line of Section 26 at a point 300 feet north of the high water line; thence northwesterly 1,740 feet to a point 300 feet north of the high water line; thence southeasterly about 1,810 feet to the projected east line of the former Baldwin property at a point 300 feet north of the high water line; and thence south 300 feet to the high water line.

(2) *Pope Beach, under the control of the Forest Service, Department of Agriculture.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the intersection of the high water line with the west line of the former Pope property, about 750 feet westerly of the west boundary line of Lot 2, Section 6, Township 12 North (Mount Diablo Base Line), Range 18 East (Mount Diablo Meridian); thence north 300 feet; thence southeasterly 4,200 feet to a point 300 feet north of the high water line; and thence south 300 feet to the high water line.

(3) *El Dorado County Beach.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the intersection of the high water line with the west boundary line of Lot 1, Section 32, Township 13 North (Mount Diablo Base Line), Range 18 East (Mount Diablo Meridian); thence north 500 feet; thence northeasterly about 1,350 feet to the projected east line of Lot 1 at a point 500 feet north of the high water line; and thence south 500 feet to the high water line.

(b) *The regulations.* No sail or machine-propelled watercraft, except vessels owned or controlled by the United States Government and vessels duly authorized by the United States Coast Guard, shall navigate or anchor in the restricted areas.

[Regs., Dec. 28, 1951, 800-2121-ENGWO] (Sec. 4, 28 Stat. 362, as amended; 33 U. S. C. 1)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-478; Filed, Jan. 14, 1952;
8:46 a. m.]

PART 207—NAVIGATION REGULATIONS

PACIFIC OCEAN NEAR LAAU POINT, MOLOKAI, T. H.

Pursuant to the provisions of Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 207.805 is hereby prescribed to govern the use and navigation of waters of the Pacific Ocean 3.5 miles southwest of Laau Point, Molokai, T. H., comprising a Navy drill mine field, as follows:

§ 207.805 *Pacific Ocean southwest of Laau Point, Molokai, T. H.; Navy drill mine field*—(a) *The restricted area.* A square area in the Pacific Ocean southwest of Laau Point, Molokai, having sides 1,000 yards long running due north-south and east-west, with its northeast corner at latitude 21°03'09", longitude 157°20'20", bearing approximately 210° true, 3.5 miles, from Laau Point Light. Nonexplosive mines will be placed in the area at alternate depths of 30 feet and 90 feet.

(b) *The regulations.* All vessels with draft in excess of 20 feet, except those duly authorized by the Commander, Hawaiian Sea Frontier, United States Navy, are prohibited from navigating or anchoring in the restricted area.

[Regs. Dec. 27, 1951, 800.2121 (Pacific Ocean)—ENGWO] (Sec. 4, 28 Stat. 362, as amended; 33 U. S. C. 1. Interprets or applies secs. 1-4, 40 Stat. 892, 893; 33 U. S. C. 3)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-477; Filed, Jan. 14, 1952;
8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle
[Ex Parte No. MC-39]

PART 167—BROKERS OF PROPERTY
PRACTICES OF PROPERTY BROKERS

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 27th day of December, A. D. 1951.

It appearing, that by report and order entered May 16, 1949, 49 M. C. C. 277, the Commission, Division 5, prescribed certain rules and regulations to govern the practices of brokers of transportation by motor vehicle, except brokers dealing exclusively in the transportation of passengers and their baggage;

It further appearing, that by order entered January 13, 1950, the proceeding was reopened for further hearing solely with respect to certain matters;

And it further appearing, that full investigation of the matters and things involved has been made, and the said Division, on the date hereof, has made and filed a report herein on further hearing containing its findings of fact and conclusions thereon, which report and the prior report are hereby made a part hereof, and said proceeding having been duly submitted:

It is ordered, That paragraphs (a) and (d) of § 167.2 *Definitions* are hereby modified to read as follows:

§ 167.2 *Definitions.* . . .

(a) "Broker" means any person as defined in section 203 (a) (1) of the Interstate Commerce Act (except those excluded by § 167.1) who, as principal or agent, for compensation, sells or offers

for sale transportation subject to Part II of the Interstate Commerce Act, or makes any contract, agreement, or arrangement to provide, procure, furnish, or arrange for such transportation or shall hold himself out by advertisement, solicitation, or otherwise as one who sells, provides, procures, contracts, or arranges for such transportation: *Provided, however,* That the term "broker" shall not include any person who holds himself out as a carrier by motor vehicle or any bona fide employee or agent of such person, insofar as concerns shipments which such person is authorized to transport in whole or in part and which such person has accepted pursuant to a holding out to transport and has legally bound himself by contract to transport in whole or in part.

(d) "Brokerage" or "brokerage service" means the selling or offering for sale of transportation; or the making of any contract, agreement, or arrangement to provide, procure, furnish, or arrange for transportation; or the holding out by advertisement, solicitation, or otherwise, to sell, provide, procure, contract, or arrange for transportation, for compensation, by a broker as defined in paragraph (a) of this section.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interpret or apply 49 Stat. 544, as amended, 554, as amended; 49 U. S. C. 303, 311)

And it is further ordered, That this order, and the prior order of May 16, 1949, as modified herein shall become effective February 15, 1952.

By the Commission, Division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-500; Filed, Jan. 14, 1951;
8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

SMALL TRACT CLASSIFICATION ORDER NO. 30
CORRECTION

JANUARY 7, 1952.

The opening sentence of paragraph 13, New Mexico Small Tract Classification Order No. 30, dated December 6, 1951, is corrected to read as follows: "13. Leases issued hereunder will contain an option to purchase clause at the appraised value of \$50.00 per tract, application for which may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from date of issuance of the lease, provided that a habitable house of substantial construction, permanently attached to the land, and adequate sanitary facilities shall have been constructed upon the land prior to the filing of the application for purchase."

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 52-504; Filed, Jan. 14, 1952;
8:48 a. m.]

NEW MEXICO

CLASSIFICATION ORDER

JANUARY 7, 1952.

1. Pursuant to the authority delegated by the Director, Bureau of Land Management, by Order No. 427, dated August 16, 1950, 15 F. R. 5639, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described lands in the New Mexico land district, embracing approximately 78.93 acres.

NEW MEXICO SMALL TRACT CLASSIFICATION
ORDER No. 31

For lease and sale for home sites:

T. 26 S., R. 2 E., N. M. P. M., Sec. 24, lots 14 to 45, inclusive (E $\frac{1}{2}$ SE $\frac{1}{4}$).
T. 26 S., R. 3 E., N. M. P. M., Sec. 19, lots 2, 3 and 4.

2. These lands are located in Dona Ana County, New Mexico, approximately three miles northwesterly of Anthony, New Mexico and about one-half mile south of the village of Chamberino. The area is accessible as far as Chamberino over improved roads and from Cham-

berino over an unimproved dirt road. Electric transmission lines are within $\frac{1}{4}$ mile of the area. Water can be secured at shallow depth. The lands along the east side of the area are generally flat. To the west, the lands become hilly and irregular. The soil is very sandy.

3. The town of Anthony, located a distance of three miles from the area, is a railroad point where schools, churches, businesses and recreational facilities are available. A church and a school are located at Chamberino within walking distance of the area.

4. As to applications regularly filed prior to 8:00 a. m. on January 13, 1950, and which are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

5. As to the land not covered by applications referred to in paragraph 4, this order shall not become effective to permit leasing under the Small Tract Act of June 1, 1938, as amended, until 10:00 a. m. on March 7, 1952. At that time such lands shall, subject to valid existing rights and the terms of existing withdrawals, become subject to application as follows:

(a) Ninety days preference period for qualified veterans of World War II, from 10:00 a. m. March 7, 1952, to close of business on June 5, 1952.

(b) Advance period for veterans' simultaneous filings from 8:00 a. m. on January 13, 1950, to 10:00 a. m. March 7, 1952.

6. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m. on June 6, 1952.

(a) Advance period for simultaneous non-preference filings from 8:00 a. m. on January 13, 1950, to 10:00 a. m. on June 6, 1952.

7. Applications filed within the periods mentioned in 5 (b) and 6 (a) above will be treated as simultaneously filed.

8. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service, which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based, and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

9. The lands in the $E\frac{1}{2}E\frac{1}{2}E\frac{1}{2}E\frac{1}{4}$ (lots 14, 21, 22, 29, 30, 37, 38 and 45) of Sec. 24, T. 26 S., R. 2 E., N. M. P. M., shall be leased in tracts of approximately $1\frac{1}{4}$ acres, each being approximately 330 feet long east and west and 165 feet wide north and south within one of the said lots. The lands in the $W\frac{1}{2}E\frac{1}{2}E\frac{1}{2}SE\frac{1}{4}$ (lots 15, 20, 23, 28, 31, 36, 39 and 44) of Sec. 24 shall be leased in tracts of approximately $2\frac{1}{2}$ acres, each being approximately 330 feet long and 330 feet wide and consisting of one of the said lots. The lands in the $W\frac{1}{2}E\frac{1}{2}SE\frac{1}{4}$ (lots 16, 17, 18, 19, 24, 25, 26, 27, 32, 33, 34, 35, 40, 41, 42 and 43) of Sec. 24 shall be leased in tracts of approximately 5 acres, each being approximately 660 feet long east and west and 330 feet wide north and south and consisting of two of the said lots which are within a quarter-quarter subdivision. Lots 2, 3, and 4 of Sec. 19, T. 26 S., R. 3 E., N. M. P. M., containing .01, .06 and .12 acre respectively, are narrow strips of land adjoining lots 37, 38 and 45 in the aforementioned section 24. Leases issued in lots 37, 38 and 45 will also include the adjoining portions of lots 2, 3, and 4 of Sec. 19, respectively.

10. Preference right leases referred to in 4, and which involve lands in the $W\frac{1}{2}E\frac{1}{2}SE\frac{1}{4}$ sec. 24, will be issued for the land described in the application, irrespective of the direction of the tract, provided the tract conforms or is made to conform to the area and dimensions specified above. Preference right applicants referred to in 4, whose applications involve lands in the $E\frac{1}{2}E\frac{1}{2}SE\frac{1}{4}$ sec. 24 will be given an opportunity to desig-

nate the $1\frac{1}{4}$ -acre or $2\frac{1}{2}$ -acre tract they prefer in accordance with area and dimensions specified above, provided it is within the same 5-acre subdivision.

11. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application involving lands in the $W\frac{1}{2}E\frac{1}{2}SE\frac{1}{4}$ sec. 24, the Manager is authorized to accept applications for the remaining 5-acre tract extending in the same direction so as to fill out the subdivision, notwithstanding the direction of the tract may be contrary to that specified in paragraph 9.

12. Leases will be for a period of three years. The annual rental of \$5.00 will be payable for the entire lease period in advance of the issuance of the lease. Leases issued hereunder will contain an option to purchase clause at the appraised value of \$50.00 per tract, application for which may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of issuance of the lease, provided that a habitable house, permanently attached to the land, and adequate sanitary facilities shall have been constructed upon the land prior to the filing of the application for purchase. Such construction and facilities must meet with the approval of the Regional Administrator.

(a) Leases issued under the terms of this order shall not be subject to assignment unless and until improvements as mentioned above in this paragraph shall have been completed.

(b) Leases for lands upon which the improvements above mentioned shall not have been constructed at or before the expiration thereof shall not be renewed.

13. Lessees and/or their successors in interest shall comply with all Federal, State, County and municipal laws and ordinances, especially those governing health and sanitation, and failure or refusal to do so may be cause for cancellation of the lease in the discretion of the authorized official of the Bureau of Land Management.

14. All $1\frac{1}{4}$ acre tracts will be subject to right-of-way not exceeding 33 feet in width along or near the east edges thereof for road purposes and public utilities. All $2\frac{1}{2}$ acre tracts will be subject to rights-of-way not exceeding $16\frac{1}{2}$ feet in width along or near the north and south edges thereof for road purposes and public utilities. All 5-acre tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the west edges thereof and not exceeding $16\frac{1}{2}$ feet in width along or near the north and south edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to issuance of patent. If not so located, they may be subject to location after patent has been issued.

15. All leases and patents issued shall contain a reservation to the United States of all fissionable material sources, and all minerals, together with the right

to prospect for, mine and remove the same under applicable laws and regulations.

16. Survey of individual tracts shall be at the expense of the applicant.

17. All inquiries regarding these lands shall be addressed to the Manager, U. S. Land and Survey Office, Post Office Building, Santa Fe, New Mexico.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 52-505; Filed, Jan. 14, 1952;
8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

CHAIRMEN OF CERTAIN PMA COUNTY COMMITTEES

DELEGATION OF AUTHORITY AS CONTRACTING OFFICERS

Pursuant to authority vested in the President, Commodity Credit Corporation, by the by-laws of the Corporation, the respective Chairmen, or in their absence the Acting Chairmen, of PMA County Committees in the States of Arkansas, Arizona, California, Oklahoma and Texas are hereby appointed contracting officers of Commodity Credit Corporation, with authority to execute, in the name of the Corporation, contracts, agreements, or other documents relating to the sale of castor bean seed to farmers, the purchase of castor beans produced by farmers, and the rental or sale of machinery needed in the production or harvesting of castor beans, under the 1952 Castor Bean Production and Procurement Program (17 F. R. 109) formulated by Commodity Credit Corporation and Production and Marketing Administration pursuant to the Defense Production Act of 1950, as amended.

The foregoing authority as contracting officers shall be exercised in accordance with instructions, issued by the Vice President of CCC who is Assistant Administrator for Production, PMA, which shall be available for public inspection in the files of the PMA county offices in the States where this authorization is effective.

Issued this 10th day of January 1952.

[SEAL] G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 52-536; Filed, Jan. 14, 1952;
8:49 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[Suspension Order 4; Docket No. 5]

ALSIDE, INC., ET AL.

SUSPENSION ORDER

A hearing having been held in the above entitled matter on the 30th day of November 1951, before Harrison W. Ewing, a Hearing Commissioner of the National Production Authority on a statement of charges made by the General Counsel, National Production Authority, in accordance with the National Produc-

tion Authority General Administrative Order 16-06 (16 F. R. 8628), dated July 21, 1951, and Implementation 1 to National Production Authority General Administrative Order 16-06 (16 F. R. 8799); and

The respondents, Alside, Inc., Lifewall Corporation of Akron, Jerome J. Kaufman, doing business as State Siding and Roofing Co., Jerome J. Kaufman, Louis L. Manes, and Milton Weiner, having been duly apprised of the specific violations charged and the administrative action which may be taken, and having been fully informed of the rules and procedures which govern these proceedings, and each of them being represented by William L. P. Burke, an attorney at law, 725 Fifteenth Street NW., Washington 25, D. C.; and

The respondents having filed answers herein, and having stipulated to a statement of facts to be filed in lieu of the presentation of other evidence in support of and in opposition to the statement of charges, it is hereby determined:

Findings of fact. 1. The corporate respondents herein, and Jerome J. Kaufman, doing business as State Siding and Roofing Co., committed acts prohibited by section 26.25 (b) of NPA Order M-7, as amended December 1, 1950; section 6 (b) of NPA Order M-7, as amended February 1, 1951, March 31, 1951, and April 6, 1951; and section 6 (d) of NPA Order M-7 as amended April 20, 1951, May 1, 1951, and June 1, 1951, in that the said corporate respondents and respondent Jerome J. Kaufman doing business as State Siding and Roofing Co., during the period January 1, 1951, to June 30, 1951, used at least 1,993,982 pounds of aluminum more than was permitted by said sections of NPA Order M-7.

2. The corporate respondents herein and Jerome J. Kaufman, doing business as State Siding and Roofing Co., committed acts prohibited by section 3 (c) of CMP Regulation No. 1, dated May 3, 1951, and section 3 (c) of CMP Regulation No. 1, as amended July 12, 1951, in that Alside, Inc., having received an authorized production schedule providing for the use of a certain quantity of aluminum in the production of aluminum siding during the period July 1, 1951, to September 30, 1951, the corporate respondents and Jerome J. Kaufman doing business as State Siding and Roofing Co., used in the production of aluminum siding during the said period at least 1,139,767 pounds of aluminum in excess of that provided for in said authorized production schedule.

3. The corporate respondents herein and Jerome J. Kaufman, doing business as State Siding and Roofing Co., committed acts prohibited by section 17 (b) of CMP Regulation No. 1, dated May 3, 1951, in that Alside, Inc., having received an authorized allotment of aluminum during the period July 1, 1951, to September 30, 1951, to be used in fulfillment of its authorized production schedule in the said period, the said corporate respondents and respondent Jerome J. Kaufman, doing business as State Siding and Roofing Co., used the said allot-

ment to obtain and use a greater quantity of aluminum than was required to fulfill the authorized production schedule of Alside, Inc.

4. The individual respondents herein committed acts prohibited by section 26.25 (b) of NPA Order M-7, as amended December 1, 1950; section 6 (b) of NPA Order M-7 as amended February 1, 1951, March 31, 1951, and April 6, 1951; and section 6 (d) of NPA Order M-7 as amended April 20, 1951, May 1, 1951, and June 1, 1951; section 3 (c) of CMP Regulation No. 1, dated May 3, 1951, and section 3 (c) of CMP Regulation No. 1, as amended July 12, 1951; and section 17 (b) of CMP Regulation No. 1, dated May 3, 1951, in that the said individual respondents owning, dominating, managing, and controlling the corporate respondents, and the State Siding and Roofing Co., during the time the alleged violations were committed, directed and supervised the commission of the aforementioned violations.

Conclusion. During the period beginning January 1, 1951, and ending September 30, 1951, the respondents herein, Alside, Inc., Lifewall Corporation of Akron, Jerome J. Kaufman doing business as State Siding and Roofing Co., Jerome J. Kaufman, Louis L. Manes, and Milton Weiner, violated the provisions of National Production Authority regulations, orders, and directives as herein above cited by using at least 3,133,749 pounds of aluminum more than was authorized or permitted by the said provisions.

In order to correct the unauthorized use of aluminum occasioned by the violations found herein and in order to prevent future violations of National Production Authority's regulations, orders, and directives by these respondents,

It is accordingly ordered:

1. That all priority assistance be withdrawn and withheld from Alside, Inc., its successors and assigns, Lifewall Corporation of Akron, its successors and assigns, Jerome J. Kaufman, Louis L. Manes, and Milton Weiner for a period of six (6) months commencing from the date of issuance of this order.

2. That all allocations and allotments of materials be withdrawn and withheld from Alside, Inc., its successors and assigns, Lifewall Corporation of Akron, its successors and assigns, Jerome J. Kaufman, Louis L. Manes, and Milton Weiner for a period of six (6) months commencing from the date of issuance of this order.

3. That the respondents, Alside, Inc., its successors and assigns, Lifewall Corporation of Akron, its successors and assigns, Jerome J. Kaufman, Louis L. Manes, and Milton Weiner, be prohibited from acquiring, using or disposing of controlled materials for a period of six (6) months commencing from the date of issuance of this order.

Issued this 30th day of November 1951.

NATIONAL PRODUCTION
AUTHORITY,
By HARRISON W. EWINO,
Hearing Commissioner.

[F. R. Doc. 52-627; Filed, Jan. 14, 1952;
11:01 a. m.]

[Suspension Order 5; Docket No. 6]

PACIFIC TIRE AND RUBBER CO.

SUSPENSION ORDER

A hearing having been held in the above entitled matter on the 4th day of December 1951, before Lowell Turrentine, a Hearing Commissioner of the National Production Authority, on a statement of charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority General Administrative Order 16-06 (16 F. R. 8628), dated July 21, 1951, and Implementation 1 to National Production Authority General Administrative Order 16-06 (16 F. R. 8799); and

The respondent, Pacific Tire and Rubber Company, having been duly apprised of the specific violations charged and the administrative action which may be taken, and having been fully informed of the rules and procedures which govern these proceedings; and

The respondent having entered into a stipulation dated December 3, 1951, wherein it admitted that it did commit each of the acts charged by the statement of charges filed herein by the General Counsel and dated November 27, 1951; and

The respondent having fully stipulated that the said stipulation be filed in lieu of the presentation of other evidence in support and in opposition to the statement of charges, it is hereby determined:

Findings of fact. During the period from March 1, 1951, to September 30, 1951, Pacific Tire and Rubber Company committed acts prohibited by National Production Authority Order M-2, as amended March 1, 1951, and directives thereto, to wit:

1. The unauthorized consumption of 83,360 pounds of new rubber during the month of March 1951.

2. The unauthorized consumption of 148,468 pounds of new rubber during the month of April 1951.

3. The unauthorized consumption of 100,515 pounds of new rubber during the month of May 1951.

4. The unauthorized consumption of 311,710 pounds of new rubber during the period July 1, 1951, to September 30, 1951.

5. The unauthorized consumption of 150,661 pounds of new rubber in the manufacture of replacement passenger tires during the month of May 1951.

6. The unauthorized consumption of 110,129 pounds of new rubber in the manufacture of replacement passenger tires during the month of June 1951.

7. The unauthorized consumption of 193,787 pounds of new rubber in the manufacture of replacement passenger tires during the period July 1, 1951, to September 30, 1951.

Conclusions. During the period March 1, 1951, to September 30, 1951, the respondent, Pacific Tire and Rubber Company, violated the provisions of National Production Authority regulations, orders, and directives as hereinbefore cited, as follows:

1. The unauthorized consumption of 644,053 pounds of new rubber.

2. The unauthorized consumption of 459,577 pounds of new rubber in the manufacture of replacement passenger tires.

In order to correct the unauthorized use of new rubber occasioned by the violations found herein and in order to prevent further violations of National Production Authority regulations, orders, and directives by this respondent,

It is accordingly ordered:

1. That all priorities and allocations assistance and all authority to consume new rubber be withdrawn and withheld from Pacific Tire and Rubber Company, its successors and assigns, for a period commencing with the date of issuance of this order and terminating December 31, 1951.

2. That all allocations or allotments of material which are subject to control by the National Production Authority be withdrawn and withheld from the Pacific Tire and Rubber Company, its successors and assigns, for a period commencing with the date of issuance of this order and terminating December 31, 1951.

3. That the Pacific Tire and Rubber Company, its successors and assigns, be prohibited from acquiring, consuming, or disposing of materials which are subject to control by the National Production Authority for a period commencing with the date of the issuance of this order and terminating December 31, 1951, and

In accordance with the provisions of the stipulation entered into between E. J. Spielman, Regional Attorney, National Production Authority, and Pacific Tire and Rubber Company, the respondent herein, dated December 3, 1951,

It is further ordered:

4. That the respondent will immediately notify all persons from whom it has ordered any materials or products scheduled for delivery during the month of December 1951, which are the subject of National Production Authority priorities and allocations and which have not as yet been shipped to the respondent, that such orders are to be cancelled. The respondent will return to the National Production Authority any allotments of controlled materials which cover orders so cancelled. Nothing herein contained, however, shall be construed to deprive the respondent of the right to accept delivery of any materials or products which are in transit on the date of said stipulation, i. e. December 3, 1951.

5. The National Production Authority will, upon application by the respondent made on or after January 1, 1952, take appropriate allocation action necessary to permit the respondent to purchase new rubber, both natural and synthetic, for consumption during or after the month of January 1952.

6. The respondent will not order or acquire any materials or products which are subject to National Production Authority priorities or allocations or use any such materials or products during the month of December 1951, except upon the express permission in writing and upon the terms and conditions prescribed by the National Production Authority. The National Production Authority will grant such permission if it is satisfactorily demonstrated by the

respondent that failure to grant permission will be disruptive of the operations of the respondent subsequent to December 31, 1951.

Issued this 4th day of December 1951, at San Francisco, California.

NATIONAL PRODUCTION
AUTHORITY,
By LOWELL TURRENTINE,
Hearing Commissioner.

[F. R. Doc. 52-628; Filed, Jan. 14, 1952;
11:01 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Ainsbrooke, Inc., Dother, Ala., effective 1-2-52 to 1-3-53; for normal labor turnover, 10 percent of total productive factory workers engaged in manufacture of men's woven pajamas only (pajamas).

American Manufacturing Corp., Inc., 1052 Constance Street, New Orleans, La., effective 12-28-51 to 12-27-52; 10 percent for normal labor turnover (lingerie).

Big Dad Manufacturing Co., Inc., Starke, Fla., effective 1-2-52 to 7-1-52; 25 learners for expansion purposes only (dungarees, pants, sport shirts).

Blue Bell, Inc., Prentiss County, Baldwin, Miss., effective 1-2-52 to 7-1-52; 30 additional learners for expansion purposes only (pants, overalls, coveralls, work shirts).

Cal-Crest Outerwear, Inc., 17 North Fourteenth Street, Murphysboro, Ill., effective 1-2-52 to 1-1-53; 10 percent for normal labor turnover (jackets).

Charmac, Inc., 227 Newcastle Street, Brunswick, Ga., effective 12-28-51 to 12-27-52; 10 learners for normal labor turnover (juvenile sportswear pants and shirts).

Samuel Cooperman & Sons Inc., 970 Ridge Avenue, Scranton, Pa., effective 1-2-52, to 1-1-53; 10 percent for normal labor turnover (ladies' cotton dresses).

Fawn Grove Manufacturing Co. Inc., Rising Sun, Md., effective 1-3-52 to 1-2-53; 10 learners for normal labor turnover (overalls, coveralls, etc.).

Fawn Grove Manufacturing Co. Inc., Fawn Grove, Pa., effective 1-3-52 to 1-2-53; 10 percent for normal labor turnover (shirts and dungarees).

Harvin Manufacturing Co., 6 Wawayanda Avenue, Middletown, N. Y., effective 1-2-52 to 1-1-53; five learners for normal labor turnover (boys' sport shirts).

C. F. Hathaway Co., Appleton Street, Waterville, Maine, effective 1-2-52 to 1-1-53; 10 percent for normal labor turnover (men's shirts).

Hathaway Shirt Co., Silver Street, Waterville, Maine, effective 1-2-52 to 1-1-53; 10 percent for normal labor turnover (dress and sport shirts).

Joseph Horowitz & Sons, Inc., 43 Liberty Street, Batavia, N. Y., effective 1-2-52 to 1-1-53; 10 percent for normal labor turnover (cotton work shirts).

Kaley Shirts, Bliscoe, N. C., effective 1-2-52 to 1-1-53; five learners for normal labor turnover (dress and sport shirts).

L. & H. Shirt Co., Cochran, Ga., effective 1-2-52 to 1-1-53; 10 percent for normal labor turnover (dress and sport shirts).

Lanier Manufacturing Co., Easley, S. C., effective 12-27-51 to 12-26-52; 10 learners for normal labor turnover (sport shirts).

Leecraft Manufacturing Corp., Spencer, Tenn., effective 1-3-52 to 1-2-53; 10 percent for normal labor turnover (dress shirts, collars, sleeping wear and sport shirts).

Leitchfield Manufacturing Co., Inc., Leitchfield, Ky., effective 12-28-51 to 12-27-52; 10 percent for normal labor turnover (sportswear).

Manhattan Shirt Co., Americus, Ga., effective 12-28-51 to 12-27-52; 10 percent for normal labor turnover (men's shirts).

Martin Manufacturing Co. Inc., Martin, Tenn., effective 1-3-52 to 1-2-53; 10 percent for normal labor turnover (pants, overalls, coveralls, work shirts, and cotton shirts).

Millheim Manufacturing Co. Inc., Water Street, Millheim, Pa., effective 1-5-52 to 1-4-53; 10 percent for normal labor turnover (brassieres).

N & W Industries, Inc., Kemper Street, Lynchburg, Va., effective 1-2-52 to 1-1-53; 10 percent for normal labor turnover (cotton overalls, shirts and pants).

New England Overall Co., Inc., 560 Harrison Avenue, Boston, Mass., effective 1-3-52 to 1-2-53; 10 percent for normal labor turnover (pants, overalls, coveralls, work shirts).

Publix Shirt Corporation, Gallitzin, Pa., effective 1-4-52 to 1-3-53; 10 percent for normal labor turnover (dress shirts, sleeping wear, collars).

Quality Sewn Products, Inc., Royston, Ga., effective 12-28-51 to 12-27-52; 10 percent for normal labor turnover (men's cotton and rayon pajamas).

Reliance Manufacturing Co., "Dixie" Factory, 100 Ferguson Street, Hattiesburg, Miss., effective 1-4-52 to 1-3-53; 10 percent for normal labor turnover (dress shirts, collars, sleeping wear, jackets, army jackets, and work shirts).

Reliance Manufacturing Co., "Freedom" Factory, Hattiesburg, Miss., effective 1-4-52 to 1-3-53; 10 percent for normal labor turnover (dress shirts, collars, sleeping wear, pajamas, sport shirts, and navy jumpers).

Reliance Manufacturing Co., "Plantation" Factory, Montgomery, Ala., effective 1-2-52 to 1-1-53; 10 percent for normal labor turnover (cotton work shirts, flannel work-shirts).

Sherrod Shirt Co., Independence, Mo., effective 12-28-51 to 12-27-52; 10 learners for normal labor turnover (work pants).

Solomon Bros. Co., Thomasville, Ala., effective 12-29-51 to 12-28-52; 10 percent for normal labor turnover (sport shirts).

Steelton Apparel Co. Inc., 709 South Second Street, Steelton, Pa., effective 12-28-51 to

12-27-52; 10 learners for normal labor turnover (women's dresses).

Steiner Lobman Dry Good Co., 212½ Commerce Street, Montgomery, Ala., effective 12-28-51 to 12-27-52; five learners for normal labor turnover (pants, overalls etc.).

W. E. Stephens Manufacturing Co. Inc., Pulaski, Tenn., effective 1-2-52 to 1-1-53; 10 percent for normal labor turnover (work pants).

Warrenshire Manufacturing Co., Inc., 50 River Street, Warrensburg, N. Y., effective 1-3-52 to 1-2-53; 10 percent for normal labor turnover (men's dress shirts).

Yunker Manufacturing Co., Inc., 301 Ann Street, Parkersburg, W. Va., effective 12-28-51 to 12-27-52; 10 percent for normal labor turnover, infant's cotton wear).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended January 25, 1950; 15 F. R. 400).

Alles & Fisher, Inc., 716 Columbus Avenue, Boston 20, Mass., effective 12-24-51 to 12-23-52; 10 percent of the productive factory workers engaged in the learner occupations; cigar machine operating, and packing (cigars retelling at more than 6 cents), each 320 hours; stripping 160 hours, 60 cents per hour.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Rockwood Mills, Monterey Branch, Monterey, Tenn., effective 12-28-51 to 8-27-52; 15 additional learners for expansion purposes only.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Montezuma Mutual Telephone Co., Montezuma, Iowa, effective 1-2-52 to 1-1-53.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Ainsbrooke, Inc., Dothan, Ala., effective 1-2-52 to 1-1-53; for normal labor turnover, three learners to be employed in the manufacture of men's woven shorts only (men's woven shorts).

Greenwood Underwear Co., Inc., Greenwood, S. C., effective 12-29-51 to 12-28-52; for normal labor turnover, five learners to be employed in the manufacture of men's woven undershorts only (men's woven undershorts).

Marion Mills, Division of Munsingwear, Inc., Guin, Ala., effective 1-1-52 to 6-30-52; 75 additional learners for expansion purposes only (women's tricot nightgowns, pajamas, and panties).

Marion Mills, Division of Munsingwear, Inc., Guin, Ala., effective 12-26-51 to 6-25-52; 25 learners for expansion purposes only (women's tricot nightgowns, pajamas, and panties).

Porter Mills, Inc., Second and Elizabeth Streets, Cullman, Ala., effective 12-21-51 to 12-20-52; five learners for normal labor turnover (men's and children's knitted underwear).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

International Shoe Co., 919 West Liberty St., Mexico, Mo., effective 1-4-52 to 1-3-53; 10 percent for normal labor turnover.

Northern Shoe Co., Pulaski, Wis., effective 1-5-52 to 1-4-53; 10 percent for normal labor turnover.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

L. Greif & Bros., Inc., Baltimore, Md., effective 12-29-51 to 12-28-52; 7 percent for normal labor turnover; machine operating (except cutting), pressing, and handsewing

each 480 hours; 60 cents per hour for the first 240 hours and 65 cents per hour for the remaining 240 hours (men's and boys' clothing).

K. T. Dolls, 801-803 North James Street, Hazleton, Pa., effective 1-4-52 to 7-3-52; two learners for normal labor turnover; caving machine operators, 240 hours; 65 cents per hour (doll dresses).

Harris Langenberg Hat Co., Mascoutah, Ill., effective 1-4-52 to 7-3-52; 10 learners for normal labor turnover; machine operators (except cutting), 240 hours; 65 cents per hour (straw work hats and work caps).

Middleburg Manufacturing Co., Hanover, Pa., effective 12-29-51 to 12-28-52; for normal labor turnover, 7 percent of the productive factory force employed in manufacture of men's clothing only; machine operating (except cutting), pressers, and handsewers, each 480 hours; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (men's and boys' clothing).

Isadore Settlow Co., 126 Shove Street, Fall River, Mass., effective 1-4-52 to 1-3-53; 7 percent for normal labor turnover; machine operators (except cutting), pressers, and hand sewers, each 480 hours; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (men's suits and pants).

Streator Clothing Co., 212 Sterling Street, Streator, Ill., effective 1-4-52 to 1-3-53; 7 percent for normal labor turnover; machine operators (except cutting), pressers, and hand sewers, each 480 hours; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (men's suits, topcoats, overcoats, etc.).

Taylor Bag Co., Coffeyville, Kans., effective 1-4-52 to 7-3-52; two learners for normal labor turnover; sewing machine operators, 160 hours; 65 cents per hour (repairing and cleaning used bags).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 5th day of January 1952.

MILTON BROOKE,
Authorized Representative
of the Administrator.

[F. R. Doc. 52-472; Filed, Jan. 14, 1952; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-249]

ACCIDENT OCCURRING NEAR LITTLE VALLEY, N. Y.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 3944C, which occurred near Little Valley, New York, on December 29, 1951.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on

Thursday, January 17, 1952, at 9:00 a. m., e. s. t., in the Cattaraugus County Courthouse, Little Valley, New York.

Dated at Washington, D. C., January 8, 1952.

[SEAL] ALLEN P. BOURDON,
Presiding Officer.

[F. R. Doc. 52-512; Filed, Jan. 14, 1952; 8:49 a. m.]

[Docket No. 4835]

CAPITAL ALL-CARGO CASE

NOTICE OF ORAL ARGUMENT

In the matter of the application of Capital Airlines, Inc., for amendment of a certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on January 29, 1952, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 10, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-511; Filed, Jan. 14, 1952; 8:49 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region I, Redlegation of Authority 16]

DIRECTORS OF DISTRICT OFFICES, REGION I

REDELEGATION OF AUTHORITY TO ACT UNDER SR 61 OF THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. 1, pursuant to Delegation of Authority No. 45 (16 F. R. 12802) this redelegation of authority is hereby issued.

1. Authority to act under the provisions of SR 61 of the GCPR. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I to grant, modify, or disapprove applications for adjusted ceiling prices under the provisions of SR 61 of the GCPR, or to request further or additional information, pending a final determination, or to disapprove or revise downward any adjusted ceiling price granted under this supplementary regulation. All actions in respect to this supplementary regulation, taken by District Offices previous to this authority are hereby confirmed and validated.

This redelegation of authority shall take effect as of January 4, 1952.

JOSEPH M. McDONOUGH,
Director, Regional Office 1.

JANUARY 10, 1952.

[F. R. Doc. 52-513; Filed, Jan. 10, 1952; 4:57 p. m.]

NOTICES

[Region I, Redelegation of Authority 24]
DIRECTORS OF DISTRICT OFFICES, REGION I
REDELEGATION OF AUTHORITY TO PROCESS APPLICATIONS FOR ADJUSTMENTS FILED BY MANUFACTURERS HAVING YEARLY SALES VOLUME OF \$250,000 OR LESS, UNDER GOR 10

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. 1, pursuant to Delegation of Authority No. 43 (16 F. R. 12747) this redelegation of authority is hereby issued.

1. Authority to act under GOR 10. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I to process and act on applications for adjustments, filed by manufacturers having a yearly sales volume of \$250,000 or less, under GOR 10.

This redelegation of authority shall take effect as of January 3, 1952.

JOSEPH M. McDONOUGH,
Director, Regional Office 1.

JANUARY 10, 1952.

[F. R. Doc. 52-514; Filed, Jan. 10, 1952;
 4:57 p. m.]

[Region I, Redelegation of Authority 25]
DIRECTORS OF DISTRICT OFFICES, REGION I
REDELEGATION OF AUTHORITY TO ESTABLISH OR ADJUST CEILING PRICES, ETC., UNDER CPR 93

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. 1, pursuant to Delegation of Authority No. 44 (16 F. R. 12802) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I to authorize, establish, adjust, revise, or disapprove ceiling prices, ceiling fees, ceiling markups and rates or request further information in connection therewith, or otherwise act to administer individual reporting or adjustment provisions of CPR 93, in accordance with the specific provisions thereof.

This redelegation of authority shall take effect as of January 3, 1952.

JOSEPH M. McDONOUGH,
Director, Regional Office I.

JANUARY 10, 1952.

[F. R. Doc. 52-515; Filed, Jan. 10, 1952;
 4:57 p. m.]

[Region V, Redelegation of Authority 21]
DIRECTORS OF DISTRICT OFFICES, REGION V

REDELEGATION OF AUTHORITY TO PROCESS STATEMENTS FILED PURSUANT TO SECTIONS 6 AND 12 OF CPR 92, AND TO APPROVE, DENY OR REQUEST FURTHER INFORMATION CONCERNING FILINGS MADE PURSUANT TO SECTION 42 (B) AND SECTION 42 (C) (5), AND (6) OF CPR 92

By virtue of the authority vested in me as Director of the Regional Office of

the Office of Price Stabilization, No. V, pursuant to Delegation of Authority 27 (16 F. R. 11468), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the following District Offices of the Office of Price Stabilization: Atlanta, Georgia; Birmingham, Alabama; Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Memphis, Tennessee; Miami, Florida; Montgomery, Alabama; Nashville, Tennessee; and Savannah, Georgia, to act as follows:

(a) To process statements filed under sections 6 and 12 of Ceiling Price Regulation 92, and

(b) To approve, deny or request further information concerning filings made pursuant to section 42 (b) or section 42 (c) (5) and (6) of Ceiling Price Regulation 92, and

(c) To approve, deny or request further information concerning filings made pursuant to section 46 (b) of Ceiling Price Regulation 92.

This redelegation of authority is effective as of January 3, 1952.

GEORGE D. PATTERSON, Jr.,
Director of Regional Office V.

JANUARY 10, 1952.

[F. R. Doc. 52-516; Filed, Jan. 10, 1952;
 4:57 p. m.]

[Region V, Redelegation of Authority 22]
DIRECTORS OF DISTRICT OFFICES, REGION V

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 39B, 39D, 39E, 39F, AND 39G OF CPR 7

By virtue of the authority vested in me as Director of the Regional Office of the Office of Price Stabilization, No. 5, pursuant to Delegation of Authority 5, Revised (17 F. R. 98), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Atlanta, Georgia; Birmingham, Alabama; Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Memphis, Tennessee; Miami, Florida; Montgomery, Alabama; Nashville, Tennessee; and Savannah, Georgia, District Offices of the Office of Price Stabilization to act under sections 39b, 39d, 39e, 39f and 39g of Ceiling Price Regulation 7.

2. The authority before delegated to the Directors of the District Offices of the Office of Price Stabilization, No. V, by Redelegation of Authority No. 1 and Redelegation of Authority No. 6 is superseded by this Redelegation of Authority No. 22 as of its effective date. All action taken by said directors, pursuant to such redelegations of authority, shall remain fully effective.

This redelegation of authority is effective as of January 3, 1952.

GEORGE D. PATTERSON, Jr.,
Director of Regional Office V.

JANUARY 10, 1952.

[F. R. Doc. 52-517; Filed, Jan. 10, 1952;
 4:57 p. m.]

[Region VI, Redelegation of Authority 19]

DIRECTORS OF DISTRICT OFFICES, REGION VI

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 25, REVISED

By virtue of the authority vested in me as Director of the Regional Office of the Office of Price Stabilization No. VI, pursuant to Delegation of Authority No. 42 (16 F. R. 12747), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the District Directors of the Cincinnati, Ohio; Cleveland, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky; and Toledo, Ohio, District Offices of the Office of Price Stabilization to act under sections 4 (d), 5 (c) (3), 12, 21 (c), 22, 30 (f) and (g), 32 (b), 33 and 34 of CPR 25. All actions in respect to sections 33 and 34 of CPR 25, taken by District Offices previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of December 28, 1951.

SYDNEY A. HESSE,
Director of Regional Office VI.

JANUARY 10, 1952.

[F. R. Doc. 52-518; Filed, Jan. 10, 1952;
 4:57 p. m.]

[Region VI, Redelegation of Authority 20]
DIRECTORS OF DISTRICT OFFICES, REGION VI

REDELEGATION OF AUTHORITY TO PROCESS APPLICATIONS FOR ADJUSTMENT FILED BY MANUFACTURERS HAVING A YEARLY SALES VOLUME OF \$250,000 OR LESS UNDER GOR 10

By virtue of the authority vested in me as Director of the Regional Office of the Office of Price Stabilization No. VI, pursuant to Delegation of Authority No. 43 (16 F. R. 12747), this redelegation of authority is hereby issued.

1. Authority to act under GOR 10. Authority is hereby redelegated to the District Directors of the Cincinnati, Ohio; Cleveland, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky; and Toledo, Ohio, District Offices of the Office of Price Stabilization to process and act on applications for adjustments filed by manufacturers having a yearly sales volume of \$250,000 or less, under GOR 10.

2. Authority to act under GOR 10. Authority is hereby redelegated to the District Directors of the Cincinnati, Ohio; Cleveland, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky; and Toledo, Ohio, District Offices of the Office of Price Stabilization to process and act on all applications for adjustments filed under GOR 10 by manufacturers having a yearly sales volume exceeding \$250,000, where the applications have been referred to the said District Offices by the Regional Office.

This redelegation of authority shall take effect as of December 28, 1951.

SYDNEY A. HESSE,
Director of Regional Office VI.

JANUARY 10, 1952.

[F. R. Doc. 52-519; Filed, Jan. 10, 1952;
4:57 p. m.]

[Region VI, Redelegation of Authority 21]

DIRECTORS OF DISTRICT OFFICES, REGION VI

REDELEGATION OF AUTHORITY TO ESTABLISH OR ADJUST CEILING PRICES, ETC., UNDER CPR 93

By virtue of the authority vested in me as Director of the Regional Office of the Office of Price Stabilization No. VI, pursuant to Delegation of Authority No. 44 (16 F. R. 12802), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the District Directors of the Cincinnati, Ohio; Cleveland, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky; and Toledo, Ohio, District Offices to authorize, establish, adjust, revise or disapprove ceiling prices, ceiling fees, ceiling markups and rates, or request further information in connection therewith, or otherwise act to administer individual reporting or adjustment provisions of CPR 93, in accordance with the specific provisions thereof.

This redelegation of authority shall take effect as of December 28, 1951.

SYDNEY A. HESSE,
Director of Regional Office VI.

JANUARY 10, 1952.

[F. R. Doc. 52-520; Filed Jan. 10, 1952;
4:57 p. m.]

[Region VI, Redelegation of Authority 22]

DIRECTORS OF DISTRICT OFFICES, REGION VI

REDELEGATION OF AUTHORITY TO ACT UNDER SR 61 OF THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of the Office of Price Stabilization No. VI, pursuant to Delegation of Authority No. 45 (16 F. R. 12802), this redelegation of authority is hereby issued.

1. Authority to act under the provisions of SR 61 of the GCPR. Authority is hereby redelegated to the District Directors of the Cincinnati, Ohio; Cleveland, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky; and Toledo, Ohio, District Offices of the Office of Price Stabilization to grant, modify or disapprove applications for adjusted ceiling prices under the provisions of SR 61 of the GCPR, or to request further or additional information, pending a final determination, or to disapprove or revise downward any adjusted ceiling price granted under this supplementary regulation. All actions in respect to this

No. 10—7

supplementary regulation, taken by field offices in Region VI previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of December 28, 1951.

SYDNEY A. HESSE,
Director of Regional Office VI.

JANUARY 10, 1952.

[F. R. Doc. 52-521; Filed, Jan. 10, 1952;
4:58 p. m.]

[Region VIII, Redelegation of Authority 1, Rev.]

DIRECTORS OF DISTRICT OFFICES, REGION VIII

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 39B, 39D, 39E, 39F, AND 39G OF CPR 7

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 5, Revised, dated December 29, 1951 (17 F. R. 98), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Eighth Region, to act under sections 39b, 39d, 39e, 39f, and 39g of Ceiling Price Regulation 7.

This redelegation of authority shall take effect as of January 5, 1952.

PHILIP H. NEVILLE,
Regional Director, Region VIII.

JANUARY 10, 1952.

[F. R. Doc. 52-524; Filed, Jan. 10, 1952;
4:58 p. m.]

[Region VIII, Redelegation of Authority 21]

DIRECTORS OF DISTRICT OFFICES, REGION VIII

REDELEGATION OF AUTHORITY TO ESTABLISH OR ADJUST CEILING PRICES, ETC., UNDER CPR 93

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 44, dated December 19, 1951 (16 F. R. 12747), this redelegation of authority is hereby issued.

1. Authority is hereby delegated to the District Directors, Office of Price Stabilization, Eighth Region, to authorize, establish, adjust, revise, or disapprove ceiling prices, ceiling fees, ceiling markups and rates or request further information in connection therewith, or otherwise act to administer individual reporting or adjustment provisions of CPR 93, in accordance with the specific provisions thereof.

This redelegation of authority shall take effect as of December 27, 1951.

PHILIP NEVILLE,
Regional Director, Region VIII.

JANUARY 10, 1952.

[F. R. Doc. 52-522; Filed, Jan. 10, 1952;
4:58 p. m.]

[Region VIII, Redelegation of Authority 23]

DIRECTORS OF DISTRICT OFFICES, REGION VIII

REDELEGATION OF AUTHORITY TO ACT UNDER SR 61 OF THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 45, dated December 19, 1951 (16 F. R. 12802), this redelegation of authority is hereby issued.

1. Authority to act under the provisions of SR 61 of the GCPR. Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Eighth Region, to grant, modify, or disapprove applications for adjusted ceiling prices under the provisions of SR 61 of the GCPR, or to request further or additional information, pending a final determination, or to disapprove or revise downward any adjusted ceiling price granted under this supplementary regulation.

This redelegation of authority shall take effect as of December 27, 1951.

PHILIP NEVILLE,
Regional Director, Region VIII.

JANUARY 10, 1952.

[F. R. Doc. 52-523; Filed, Jan. 10, 1952;
4:58 p. m.]

[Region IX, Redelegation of Authority 20]

DIRECTORS OF DISTRICT OFFICES, REGION IX

REDELEGATION OF AUTHORITY TO ISSUE AREA MILK PRICE REGULATIONS PURSUANT TO SR 63 TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 41, dated December 14, 1951 (16 F. R. 12679), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to issue area milk price regulations adjusting ceiling prices in accordance with the provisions of Supplementary Regulation 63 to the General Ceiling Price Regulation if the entire milk marketing area or the major part thereof is located in the District of the Office of Price Stabilization that proposes to assert this authority. If the entire area or the major part thereof is not located in any one District of the Office of Price Stabilization, this authority remains with the Regional Director of the Office of Price Stabilization for the Region having jurisdiction over the largest city in the marketing area.

2. This redelegation authorizes the performance of all the other functions provided for in Supplementary Regulation 63.

This redelegation of authority shall take effect as of December 29, 1951.

M. A. BROOKS,
Acting Regional Director, Region IX.

JANUARY 10, 1952.

[F. R. Doc. 52-535; Filed, Jan. 10, 1952;
4:59 p. m.]

NOTICES

[Region IX, Redlegation of Authority 21]
DIRECTORS OF DISTRICT OFFICES, REGION IX
REDELEGATION OF AUTHORITY TO ACT UNDER
CPR 25, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 42, dated December 17, 1951, (16 F. R. 12747), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to act under sections 4 (d), 5 (c) (3), 12, 21 (c), 22, 30 (f) and (g), 32 (b), 33 and 34 of CPR 25.

2. All actions in respect to sections 33 and 34 of CPR 25, taken by District Offices, Region IX, previous to this authority, are hereby confirmed and valid.

This redelegation of authority shall take effect as of December 29, 1951.

M. A. BROOKS,
Acting Regional Director, Region IX.
JANUARY 10, 1952.

[F. R. Doc. 52-525; Filed, Jan. 10, 1952;
4:58 p. m.]

[Region IX, Redlegation of Authority 22]
DIRECTORS OF DISTRICT OFFICES,
REGION IX

REDELEGATION OF AUTHORITY TO PROCESS
APPLICATIONS FOR ADJUSTMENT FILED BY
MANUFACTURERS HAVING YEARLY SALES
VOLUME OF \$250,000 OR LESS, UNDER
GOR 10

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 43, dated December 17, 1951, (16 F. R. 12747), this redelegation of authority is hereby issued.

1. Authority to act under GOR 10: Authority is hereby redelegated to the Directors of the District Office of the Office of Price Stabilization, Region IX, to process and act on applications for adjustments, filed by manufacturers having a yearly sales volume of \$250,000 or less, under GOR 10.

2. Authority to act under GOR 10: Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to process and act on all applications for adjustments filed under GOR 10 by manufacturers having a yearly sales volume exceeding \$250,000, where the applications have been referred to the Regional Offices by the National Office.

This redelegation of authority shall take effect as of December 29, 1951.

M. A. BROOKS,
Acting Regional Director, Region IX.
JANUARY 10, 1952.

[F. R. Doc. 52-526; Filed, Jan. 10, 1952;
4:58 p. m.]

[Region IX, Redlegation of Authority 23]
DIRECTORS OF DISTRICT OFFICES,
REGION IX

REDELEGATION OF AUTHORITY TO ESTABLISH
OR ADJUST CEILING PRICES, ETC., UNDER
CPR 93

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 44, dated December 19, 1951, (16 F. R. 12802), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to authorize, establish, adjust, revise, or disapprove ceiling prices, ceiling fees, ceiling markups and rates, or request further information in connection therewith, or otherwise act to administer individual reporting or adjustment provisions of CPR 93, in accordance with the specific provisions thereof.

This redelegation of authority shall take effect as of January 4, 1952.

M. A. BROOKS,
Acting Regional Director, Region IX.
JANUARY 10, 1952.

[F. R. Doc. 52-527; Filed, Jan. 10, 1952;
4:58 p. m.]

[Region IX, Redlegation of Authority 24]
DIRECTORS OF DISTRICT OFFICES,
REGION IX

REDELEGATION OF AUTHORITY TO ACT UNDER
SR 61 OF THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 45, dated December 19, 1951, (16 F. R. 12802), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to grant, modify, or disapprove applications for adjusted ceiling prices under the provisions of SR 61 of the GCPR, or to request further or additional information, pending a final determination, or to disapprove or revise downward, any adjusted ceiling price granted under this Supplementary Regulation. All actions in respect to this Supplementary Regulation, taken by field offices previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of January 4, 1952.

M. A. BROOKS,
Acting Regional Director, Region IX.
JANUARY 10, 1952.

[F. R. Doc. 52-528; Filed, Jan. 10, 1952;
4:58 p. m.]

[Region X, Redlegation of Authority 18]
DIRECTORS OF DISTRICT OFFICES, REGION X
REDELEGATION OF AUTHORITY TO PROCESS
REPORTS OF PROPOSED CEILING PRICES FOR
SALES OF FARM EQUIPMENT PURSUANT TO
SECTION 5 OF CPR 100

By virtue of the authority vested in me as Acting Director of the Regional Office of Price Stabilization, No. X, pursuant to Delegation of Authority No. 37 (16 F. R. 12299), this redelegation of authority is hereby issued.

Authority is hereby redelegated to the Directors of the Little Rock, Arkansas; Tulsa, Oklahoma; Oklahoma City, Oklahoma; Shreveport, Louisiana; New Orleans, Louisiana; Lubbock, Texas; Fort Worth, Texas; Dallas, Texas; Houston, Texas; and San Antonio, Texas, District Offices of Price Stabilization to approve, pursuant to section 5 of CPR 100, a ceiling price for sales of farm equipment proposed by a seller under CPR 100, disapprove such a proposed ceiling price, establish a different ceiling price by order, or request further information concerning such a ceiling price.

This redelegation of authority shall take effect as of January 7, 1952.

B. FRANK WHITE,
Acting Director of Regional Office X.
JANUARY 10, 1952.

[F. R. Doc. 52-530; Filed, Jan. 10, 1952;
4:59 p. m.]

[Region X, Redlegation of Authority 20]
DIRECTORS OF DISTRICT OFFICES, REGION X
REDELEGATION OF AUTHORITY TO ACT UNDER
SR 61 OF THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, pursuant to Delegation of Authority No. 45 (16 F. R. 12802) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Little Rock, Arkansas; Tulsa, Oklahoma; Oklahoma City, Oklahoma; Shreveport, Louisiana; New Orleans, Louisiana; Lubbock, Texas; Fort Worth, Texas; Dallas, Texas; Houston, Texas; and San Antonio, Texas, District Offices of Price Stabilization to grant, modify, or disapprove applications for adjusted ceiling prices under the provisions of SR 61 of the GCPR, or to request further or additional information, pending a final determination, or to disapprove or revise downward any adjusted ceiling price granted under this supplementary regulation.

This redelegation of authority shall take effect on January 15, 1952.

ALFRED L. SEELYE,
Director of Regional Office X.
JANUARY 10, 1952.

[F. R. Doc. 52-531; Filed, Jan. 10, 1952;
4:59 p. m.]

[Region X, Redelegation of Authority 21]
DIRECTORS OF DISTRICT OFFICES, REGION X
REDELEGATION OF AUTHORITY TO ACT UNDER
CPR 25, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, pursuant to Delegation of Authority No. 42 (16 F. R. 12747), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Little Rock, Arkansas; Tulsa, Oklahoma; Oklahoma City, Oklahoma; Shreveport, Louisiana; New Orleans, Louisiana; Lubbock, Texas; Fort Worth, Texas; Dallas, Texas; Houston, Texas; and San Antonio, Texas, District Offices of Price Stabilization to act under sections 4 (d), 5 (c) (3), 12, 21 (c), 22, 30 (f) and (g), 32 (b), 33 and 34 of CPR 25. All actions in respect to section 33 of CPR 25, taken by District Offices previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect on January 15, 1952.

ALFRED L. SEELYE,
Director of Regional Office X.

JANUARY 10, 1952.

[F. R. Doc. 52-532; Filed, Jan. 10, 1952;
4:59 p. m.]

[Region X, Redelegation of Authority 22]
DIRECTORS OF DISTRICT OFFICES, REGION X
REDELEGATION OF AUTHORITY TO ESTABLISH
OR ADJUST CEILING PRICES, ETC., UNDER
CPR 93

By virtue of the authority vested in me as Acting Director of the Regional Office of Price Stabilization, No. X, pursuant to Delegation of Authority No. 44 (16 F. R. 12802), this redelegation of authority is hereby issued.

Authority is hereby redelegated to the Directors of the Little Rock, Arkansas; Tulsa, Oklahoma; Oklahoma City, Oklahoma; Shreveport, Louisiana; New Orleans, Louisiana; Lubbock, Texas; Fort Worth, Texas; Dallas, Texas; Houston, Texas; and San Antonio, Texas, District Offices of Price Stabilization to authorize, establish, adjust, revise, or disapprove ceiling prices, ceiling fees, ceiling mark-ups and rates or request further information in connection therewith, or otherwise act to administer individual reporting or adjustment provisions of CPR 93, in accordance with the specific provisions thereof.

This redelegation of authority shall take effect as of January 9, 1952.

W. VICTOR WOMACK,
Acting Regional Director,
Regional Office X.

JANUARY 10, 1952.

[F. R. Doc. 52-533; Filed, Jan. 10, 1952;
4:59 p. m.]

[Region XI, Redelegation of Authority 25]
DIRECTORS OF ALL DISTRICT OFFICES,
REGION XI

REDELEGATION OF AUTHORITY TO ACT UNDER
CPR 25, REVISED CEILING PRICES OF BEEF
ITEMS SOLD AT RETAIL

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority No. 42 (16 F. R. 12747), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region XI, to act under sections 4 (d), 5 (c) (3), 12, 21 (c), 22, 30 (f) and (g), 32 (b), 33, and 34 of Ceiling Price Regulation 25.

This redelegation of authority shall take effect as of January 7, 1952.

GEORGE F. ROCK,
Regional Director.

JANUARY 10, 1952.

[F. R. Doc. 52-529; Filed, Jan. 10, 1952;
4:58 p. m.]

[Region XII, Redelegation of Authority 16]
DIRECTORS OF DISTRICT OFFICES,
REGION XII

REDELEGATION OF AUTHORITY TO PROCESS
REPORTS OF PROPOSED CEILING PRICES FOR
SALES AT RETAIL BY RESELLERS PURSUANT
TO SECTION 5 OF CPR 67

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority No. 22 (16 F. R. 10010), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the San Francisco, San Diego, Fresno, Sacramento, Reno and Phoenix District Offices of Price Stabilization to approve, pursuant to section 5, CPR 67, a ceiling price for sales at retail proposed by a reseller under CPR 67, disapprove such a proposed ceiling price, establish a different ceiling price by order, or request additional information concerning such ceiling price.

This redelegation of authority shall take effect as of December 24, 1951.

JOHN H. TOLAN, Jr.,
Regional Director, Region XII.

JANUARY 10, 1952.

[F. R. Doc. 52-534; Filed, Jan. 10, 1952;
4:59 p. m.]

FEDERAL COMMUNICATIONS
COMMISSION

[Docket No. 9944]

WEST SIDE RADIO

ORDER CONTINUING HEARING

In re application of West Side Radio, Tracy, California, Docket No. 9944, File No. BP-7802; for construction permit.

The Commission having under consideration (1) a petition filed on behalf of the Chief of the Broadcast Bureau on December 17, 1951, requesting that the Commission issue the Hearing Examiner instructions to close the record in this proceeding without taking testimony on the engineering issues and to prepare an Initial Decision only with respect to Issue No. 8; and (2) an opposition to the above petition filed on behalf of West Side Radio on December 26, 1951; and

It appearing that no action has as yet been taken on the petition filed by the Chief of the Broadcast Bureau, that the hearing herein is scheduled to resume on January 10, 1952, that a grant of the petition would obviate the necessity for a resumption of the hearing, and that it would, therefore, be administratively advisable to continue the hearing;

It is ordered, This 5th day of January 1952, that the hearing herein, presently scheduled for January 10, 1952, be and it is hereby continued to February 11, 1952, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-484; Filed, Jan. 14, 1952;
8:46 a. m.]

[Docket Nos. 10017, 10018, 10066]

K9 PATROL BY KENNEDY DETECTIVE
AGENCY ET AL.

ORDER SCHEDULING HEARING

In re applications of Bennett Thornton Kennedy, d/b as K9 patrol by Kennedy Detective Agency, Miami, Florida, Docket No. 10017, File No. 179-C2-51; Rolfe Armored Truck Service, Inc., Miami, Florida, Docket No. 10018, File No. 971-C2-R-51; Roy C. Jones, Fort Lauderdale, Florida, Docket No. 10066, File No. 170-C2-P-52; for construction permits or licenses, respectively, in the Domestic Public Land Mobile Radio Service.

The Commission having under consideration its action of December 20, 1951, reopening the record in the above-entitled proceeding for further hearing;

It is ordered, This 4th day of January 1952, that the said further hearing will commence at 10:00 a. m., January 21, 1952, in Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-483; Filed, Jan. 14, 1952;
8:46 a. m.]

[Docket No. 10067]

LEONARD M. MILLER

ORDER CONTINUING HEARING

In the matter of Leonard M. Miller, Meadville, Pennsylvania, Docket No. 10067; application for renewal of radio-telephone first-class operator license.

It is ordered, this 7th day of January 1952, on the Commission's own motion,

that the hearing upon the above-entitled application, presently scheduled for January 16, 1952, in Erie, Pennsylvania, is continued to January 24, 1952, in Erie, Pennsylvania.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-485; Filed, Jan. 14, 1952;
8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-998]

NORTHWEST NATURAL GAS CO.

NOTICE OF AMENDED APPLICATION

JANUARY 9, 1952.

Take notice that Northwest Natural Gas Company (Applicant), a Delaware Corporation, address 111 Broadway, New York 6, New York, filed on December 29, 1951, an amended application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipe-line facilities hereinafter described.

Applicant proposes to transport natural gas, to be imported from Canada and produced in the Province of Alberta, for resale to distributing companies in the cities of Spokane, Wenatchee, Seattle, Tacoma, Olympia and Bellingham in the State of Washington; Portland in the State of Oregon; Vancouver and Trail in the Province of British Columbia, Canada; and in other municipalities in the States of Idaho, Washington and Oregon, and for sale to industrial customers along the route of the proposed pipe line. The natural-gas pipe lines to be constructed and operated in the United States to render this service will consist of 373 miles of 24-inch pipe from a point near Eastport, Idaho to Monroe, Washington; 79 miles of 18-inch pipe from Monroe to the International Boundary near Lynden, Washington; 29 miles of 22-inch pipe from Monroe to point near Seattle, Washington; 164 miles of 20-inch pipe from Seattle to Portland, Oregon; and lateral lines to the International Boundary near Trail, British Columbia, and to Hanford, Washington. Initially four compressor stations with 24,750 horsepower will be installed on the pipeline. The maximum line capacity will be approximately 285,000 Mcf per day.

The estimated over-all capital cost of the project including pipe-line facilities in Canada is \$92,000,000. The proposed financing includes issuance of bonds, preferred stock, and common stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 30th day of January, 1952. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-481; Filed, Jan. 14, 1952;
8:46 a. m.]

[Docket No. G-1697]

NATURAL GAS PIPELINE COMPANY OF
AMERICA

ORDER RECONVENING HEARING

JANUARY 8, 1952.

Pursuant to the order of the Commission issued October 10, 1951, a public hearing was commenced on November 20, 1951, in Washington, D. C., concerning the lawfulness of the rates, charges, and classifications, subject to the jurisdiction of the Commission, set forth in proposed FPC Gas Tariff, First Revised Volume No. 1 (issued October 12, 1951) filed by Natural Gas Pipeline Company of America (Natural), and which had been suspended by the Commission. At the conclusion of the presentation of evidence by Natural on November 21, 1951, the hearing was recessed by the Presiding Examiner to a date to be fixed by further order of the Commission.

It appears that at the hearing Natural's presentation was limited mainly to evidence relied upon in support of motions filed on November 1 and 21, 1951, requesting the Commission to lift the suspension of the proposed tariff on the ground that said tariff had been unlawfully suspended. It appears further that Natural did not go forward with the burden of proof imposed upon it by section 4 (e) of the Natural Gas Act, and as required by the order fixing date of hearing in this proceeding, to show that the increased rates and charges and changes in classifications contained in the proposed tariff are just and reasonable and nondiscriminatory, nor did it present its justification with respect to other issues raised by the suspension.

By separate orders entered on this date the Commission, upon the basis of the evidence of record to date and upon consideration of the briefs filed and the oral argument had before it on December 10, 1951, concerning the matters involved and the issues presented by various motions filed in this proceeding, has (1) denied the motions filed by Natural to lift the suspension, and (2) denied the motions filed on November 26 and 30, 1951, by Counsel for the Staff of the Commission and the Director of Price Stabilization, respectively, to dismiss Natural's application for the increase in rates and charges and changes in classifications set forth in the proposed tariff.

In view of the foregoing, it appears to the Commission that Natural, having elected to rely previously upon a legal argument with which the Commission does not agree, instead of proceeding to the merits of its proposed tariff, should be afforded another opportunity to meet the burden of proof imposed upon it by section 4 (e), to sustain the justness and reasonableness of the proposed increase in rates and charges and changes in classifications set forth in the proposed tariff.

It should be noted that, among the issues presented by the suspension under section 4 (e) of the changes proposed by Natural in its presently effective tariff FPC Gas Tariff, Original Volume No. 1, questions are raised respecting the:

(1) Just and reasonable form of rate, whether it should be "incremental," as

proposed by Natural, or some other, such as the "rolled-in" form.

(2) Just and reasonable level of rates, whether it should be that proposed by Natural, or some other.

The Commission orders:

(A) The public hearing in this proceeding reconvene to commence on January 30, 1952, at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(B) At said hearing, Natural Gas Pipeline Company of America shall be afforded further opportunity to present its justification with respect to the changes proposed in its presently effective FPC Gas Tariff, Original Volume No. 1. After Natural Gas Pipeline Company of America has so presented its justification, other parties, including Commission Staff Counsel, shall be permitted to conduct as much of their cross-examination as they are then prepared to undertake. Thereupon, the Presiding Examiner shall recess the hearing to a date to be fixed by further order of the Commission, in order to permit such preparation for the remainder of their cross-examination as the facts and circumstances may warrant, to expedite the proceeding.

Date of issuance: January 9, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-480; Filed, Jan. 14, 1952;
8:46 a. m.]

[Docket No. G-1858]

SOUTH JERSEY GAS CO.

NOTICE OF APPLICATION

JANUARY 9, 1952.

Take notice that South Jersey Gas Company (Applicant) a New Jersey corporation having its principal place of business in Atlantic City, New Jersey, filed on December 20, 1951, an application for certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of 11.1 miles of 6" and 8" pipeline and appurtenant facilities extending from a point on its existing 8½" Vineland lateral to a point in the City of Millville, New Jersey.

The application recites that the proposed pipeline and appurtenant facilities will be used to serve two new industrial customers, namely, Armstrong Cork Company, a daily contract demand of 700 Mcf of natural gas, and the Wheaton Glass Company, a daily contract demand of 500 Mcf of natural gas for a term of 5 years, and will afford an additional delivery point for natural gas now sold to Cumberland County Gas Company for resale closer to said company's load center.

Applicant estimates that the maximum demand on its proposed project will be 3,415 Mcf for twenty-four hours with a minimum of 1,700 Mcf of natural gas for twenty-four hours, during the first year. In the 5th year the maxi-

mum daily demand is estimated to be 6,715 Mcf of natural gas.

The estimated over-all cost of Applicant's proposed project is \$285,000. Applicant proposes to finance the cost of its project in the first instance with funds on hand and with proceeds from short-term bank loans, and later reimburse its treasury and refund such short-term bank loans with the proceeds of the sale of equity securities or long-term debt.

Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 30th day of January 1952. The application is on file with the Commission for public inspection.

[SEAL]

J. H. GUTRIE,
Acting Secretary.

[F. R. Doc. 52-482; Filed, Jan. 14, 1952;
8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2397]

CENTURY SHARES TRUST

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPOR- TUNITY FOR HEARING

JANUARY 9, 1952.

Century Shares Trust, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw its \$1.00 Par Value Shares from registration and listing on the Boston Stock Exchange.

The application for withdrawal alleges the following:

(1) The applicant is a diversified management investment company of the open-end type, registered with the Securities and Exchange Commission under the Investment Company Act of 1940.

(2) The shares of the applicant are registered under the Securities Act of 1933 and are offered to the public by a principal underwriter, at their current liquidating value plus a sales charge, and are redeemable as described in the Prospectus at their current liquidating value upon tender to the applicant.

(3) Substantially all transactions in the shares of the applicant are conducted with or through the underwriter, with the result that it serves no useful purpose to have shares of the applicant listed upon the exchange.

(4) From January 1, 1951, to December 1, 1951, the volume of trading on the Boston Stock Exchange amounted to a total of 15 transactions involving 679 shares altogether, which constituted only one-half of one percent of the total shares purchased and sold by the underwriter during the same period.

(5) Provisions of the Investment Company Act of 1940 and the Rules of Fair Practice of the National Association

of Securities Dealers, Inc. impose restrictions upon trading in open-end investment company shares which make improbable the possibility of any further increase in the volume of trading in this security on the Boston Stock Exchange.

Upon receipt of a request, prior to February 11, 1952, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-474; Filed, Jan. 14, 1952;
8:45 a. m.]

[File No. 70-2762]

CENTRAL PUBLIC UTILITY CORP. AND CON- SOLIDATED ELECTRIC AND GAS CO.

NOTICE OF FILING REQUESTING AUTHORITY FOR INDIRECT ACQUISITION OF ASSETS OF NON-AFFILIATED BUS LINE FOR CASH CON- SIDERATION

JANUARY 9, 1952.

Notice is hereby given that a joint application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Central Public Utility Corporation, a registered holding company, and its subsidiary, Consolidated Electric and Gas Company ("Consolidated"), also a registered holding company. Applicants have designated sections 9 and 10 of the act and Rule U-8, promulgated thereunder, as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than January 23, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after January 23, 1952, said joint application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions

as provided in Rule U-20 (a) and Rule U-100 thereon.

All interested persons are referred to said joint application, which is on file in the offices of this Commission, for a statement of the transactions proposed which are summarized as follows:

Carolina Coach Company ("Carolina"), a non-utility subsidiary of Consolidated, engaged in the motor bus transportation business, proposes to acquire for \$13,800 in cash the operating rights and four busses from Harvey E. Newman of Danville, Virginia, doing business as Silver Fox Lines.

The applicants state that the proposed transactions have been approved by the Interstate Commerce Commission by order dated December 3, 1951, and that the expenses of the applicants in connection with the proposed transactions will not exceed \$50.

It is requested that the order become effective upon issuance.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-476; Filed, Jan. 14, 1952;
8:46 a. m.]

[File No. 70-2771]

HOPE NATURAL GAS CO.

NOTICE OF PROPOSED ACQUISITION OF NAT- URAL GAS PIPE LINE AND OTHER FACILI- TIES BY PUBLIC UTILITY COMPANY

JANUARY 9, 1952.

Notice is hereby given that an application has been filed with this Commission by Hope Natural Gas Company ("Hope"), a public utility subsidiary of Consolidated Natural Gas Company, a registered holding company. Applicant has designated section 10 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than January 21, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application, which he desires to controvert, or may request that he be notified if the commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after January 21, 1952, said application, as filed or as it may be amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application, which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Hope proposes to purchase from South Penn Natural Gas Company ("South Penn"), a non-affiliate, certain natural gas pipeline and other facilities located within the State of West Virginia, to-

gether with the interest of South Penn under certain agreements relating to such properties. Hope presently purchases all of the natural gas that South Penn has available in West Virginia, subject to certain limitations and exceptions. The purchase price for the properties will be the net original cost thereof at the time of transfer, such original cost being stated on the books of South Penn, at May 31, 1951, in the amount of \$157,059.29. The application states that while Hope will continue to pay South Penn the present contract price for the gas, the benefit to Hope of acquiring these facilities from South Penn is that Hope will be receiving from South Penn gas in the state produced from the wells without the extraction of hydrocarbons and Hope, rather than South Penn, will secure the treatment of the gas by Carbide and Carbon Chemicals Corporation and the revenues resulting therefrom. The net result to Hope will be an increase in net operating profit before Federal income taxes estimated at \$46,000 per year.

The application states that sections 9 (a) and 10 are deemed applicable to the acquisition of the properties by Hope from South Penn, this being considered to be the acquisition of an interest in another business. The application further states that the transaction is subject to the jurisdiction of the Federal Power Commission and the Public Service Commission of West Virginia and that a copy of the order of the latter commission will be supplied by amendment.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-475; Filed, Jan. 14, 1952;
8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26685]

BLACKSTRAP MOLASSES FROM GULF PORTS
TO IOWA, KANSAS, AND MISSOURI

APPLICATION FOR RELIEF

JANUARY 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. M. Engdahl, Agent, for carriers parties to his tariff I. C. C. No. 70.
Commodities involved: Blackstrap molasses, in tank-car loads.

From: Texas ports and Lake Charles, La., (applicable on import traffic).

To: Points in Iowa, Kansas, and Missouri.

Grounds for relief: Circuitous routes, to maintain grouping, and to maintain port rate relations.

Schedules filed containing proposed rates: H. M. Engdahl's tariff I. C. C. No. 70, Supp. 168.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days

from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-494; Filed, Jan. 14, 1952;
8:47 a. m.]

[4th Sec. Application 26686]

BEET SUGAR FINAL MOLASSES FROM CERTAIN
GULF PORTS TO ST. LOUIS, MO.,
AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

JANUARY 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. M. Engdahl, Agent, for carriers parties to his tariff I. C. C. No. 70.
Commodities involved: Beet sugar final molasses, in tank-car loads (import traffic).

From: New Orleans, La., and points grouped therewith, and Mobile, Ala.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Circuitous routes, market competition, and to maintain port rate relations.

Schedules filed containing proposed rates: H. M. Engdahl, Agent, I. C. C. No. 70, Supp. 168.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-495; Filed, Jan. 14, 1952;
8:47 a. m.]

[4th Sec. Application 26687]

MOTOR-RAIL-MOTOR RATES BETWEEN
HARLEM RIVER, N. Y., AND NORTH
DIGHTON, MASS., AND CERTAIN POINTS
IN RHODE ISLAND

APPLICATION FOR RELIEF

JANUARY 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Eastern Transport Inc.

Commodities involved: All commodities.

Between: Harlem River, N. Y., on the one hand, and North Dighton, Mass., Pawtucket, Providence or Westerly, R. I., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-496; Filed, Jan. 14, 1952;
8:47 a. m.]

[4th Sec. Application 26688]

PULPBOARD AND FIBREBOARD FROM KNOX-
VILLE, TENN., TO GREENVILLE, S. C.

APPLICATION FOR RELIEF

JANUARY 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Louisville and Nashville Railroad Company, Piedmont and Northern Railway Company, and Seaboard Air Line Railroad Company.

Commodities involved: Pulpboard or fibreboard, carloads.

From: Knoxville, Tenn.

To: Greenville, S. C.

Grounds for relief: Circuitous routes. Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1218, Supp. 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commis-

sion in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-497; Filed, Jan. 14, 1952;
8:47 a. m.]

[4th Sec. Application 26689]

FERTILIZER MATERIALS FROM POINTS IN
ARKANSAS, KANSAS, LOUISIANA, AND
TEXAS TO POINTS IN SOUTHERN TERRI-
TORY

APPLICATION FOR RELIEF

JANUARY 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3746.

Commodities involved: Fertilizer and fertilizer materials, carloads.

From: Points in Arkansas, Kansas, Louisiana, and Texas.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-498; Filed, Jan. 14, 1952;
8:47 a. m.]

[4th Sec. Application 26690]

SODIUM PERBORATE MONOHYDRATE FROM
NIAGARA FALLS AND SUSPENSION BRIDGE,
N. Y., TO CERTAIN MISSOURI RIVER
CITIES

APPLICATION FOR RELIEF

JANUARY 10, 1952.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4238.

Commodities involved: Sodium perborate monohydrate, chemical, n. o. i. b. n., and sodium tetrahydrate perborate, in carloads.

From: Niagara Falls and Suspension Bridge, N. Y.

To: Omaha, Nebr., Kansas City, Mo., Kans., Atchison and Leavenworth, Kans., and St. Joseph, Mo.

Grounds for relief: Circuitous routes and competition with motor carriers.

Schedules filed containing proposed rates: L. C. Schuldt's tariff I. C. C. No. 4238, Supp. 50.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-499; Filed, Jan. 14, 1952;
8:47 a. m.]

